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THE  
CHARTER  
OF THE  
CITY OF ST. PAUL

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PUBLISHED BY AUTHORITY OF THE COMMON COUNCIL

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FOURTH EDITION

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REVIEW PUBLISHING CO.  
ST. PAUL, MINN.  
1911







*Supplement*

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ADDITIONAL TO VMD  
YHAAJESLBEBA, BOJA

# CONTENTS.

Chapter.	Page
I. City and Ward Boundaries.....	5
II. Elections, Terms of Office, Etc.....	9
III. City Officers—Powers and Duties.....	11
IV. Common Council—Powers and Duties.....	15
V. Financial Department,	
Title 1—The Public Accounts.....	31
Title 2—The Public Expenditures.....	34
Title 3—The Public Revenues.....	39
Title 4—The Public Funded Debt.....	41
Title 5—Tax Levy Certificates.....	43
Title 6—Custody of Public Moneys and Securities.....	46
Title 7—The Conference Committee.....	48
VI. Department of Public Works,	
Title 1—Board of Public Works.....	54
Title 2—Commissioner of Public Works.....	55
Title 3—Local Improvements and Special Assessments.....	56
Title 4—Sewerage.....	81
Title 5—Street Grades.....	82
Title 6—Street Sprinkling.....	83
Title 7—Excavations in Streets.....	88
VII. Police Department.....	90
VIII. Fire Department.....	96
IX. Water Department.....	99
X. Health Department.....	109
XI. The Free Public Schools.....	117
XII. The Public Library.....	125
XIII. Public Parks and Parkways,	
Title 1—Board of Park Commissioners.....	127
Title 2—The Care of Street Lawns.....	137
Title 3—The Planting of Shade Trees.....	138
XIV. Building Regulations.....	139
XV. Contracts and Contractors' Bonds.....	140
XVI. Salaries, Fees and Reports of City Officers.....	143
XVII. Assessment of Property for General Taxation.....	146
XVIII. The Plat Commission.....	149
XIX. Justices of the Peace and Constables.....	152
XX. The Municipal Court.....	154
XXI. The Work House.....	165
XXII. Alms House and City Hospital.....	169
XXIII. Miscellaneous and Supplementary.....	172



# VOTE.

Required by the charter for the passage of certain matters by the  
Common Council.

	Section.	Page.
Appropriations of money, 2-3 vote.....	45	16
Board of public works, removal of members, 2-3 vote.....	239	58
Bridges, tunnels and viaducts, to authorize when same do not conform to established grade, 3-4 vote.....	118	26
Certificates of indebtedness to authorize, 2-3 vote.....	191	43
Certificates of indebtedness, purchase of for annual funds, 3-4 vote.	198	46
Conference committees report, adoption of, 2-3 vote.....	166	35
Contracts, approval of, 2-3 vote.....	315	80
Damage claims, compromise of, 3-4 vote.....	143	30
Fire department expenditures, approval of, 2-3 vote.....	385	96
Firemen or fire companies, increase in number, 2-3 vote.....	388	98
Franchise in streets, etc., granting of, 3-4 vote:.....	124	28
Health department fund, increase when epidemics threaten, 3-4 vote	167	35
Local improvements, modifications in owing to unforeseen ob- stacles, 2-3 vote.....	294	73
Local improvements, ordering of, 2-3 vote.....	238	57
Majority vote required except when otherwise provided.....	45	16
Municipal court, removal of clerk, 2-3 vote.....	608	156
Real estate, to lease, purchase or sell, 3-4 vote.....	122	27
Removal of officers, 2-3 vote.....	18	11
School buildings, to authorize, 3-4 vote.....	167	36
School sites to order purchase of and, erection of new buildings, 3-4 vote.....	475	119
Sewers, to order for preservation of public health, 2-3 vote.....	322	81
Special counsel for corporation attorney, 4-5 vote.....	29	12
Special elections, to order, 2-3 vote.....	14	10
Sprinkling, to order, 3-4 vote.....	342	86
Sprinkling contracts, approval of, 2-3 vote.....	340	85
Street grades, to alter, 2-3 vote.....	325	82
Vacation of streets, etc., 3-4 vote.....	117	25
Veto of mayor, to pass over, 2-3 vote.....	46	16
Veto of mayor, to pass over, when required original vote was 2-3 or more, 4-5 vote.....	46	16
Water mains, to authorize laying of without petition 2-3 vote....	427	107

# CHARTER

OF THE

## CITY OF ST. PAUL

AS ADOPTED IN 1900

AND AMENDED IN 1904-1906-1908-1910.

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### CHAPTER I.

#### Name and City and Ward Boundaries.

**1. Corporate name—Powers—Limitations.**—Section 1. All the district of country in the County of Ramsey and State of Minnesota contained within the limits and boundaries hereinafter described shall be a city by the name of Saint Paul and the people now inhabiting, and those who shall hereafter inhabit, within the district of country herein described shall be a municipal corporation by the name of the "City of Saint Paul," and by that name shall sue and be sued; complain and defend in any court; make and use a common seal and alter it at pleasure; and take, hold and purchase, lease and convey such real and personal or mixed estate as the purposes of the corporation may require, within or without the limits aforesaid; shall be capable of contracting and being contracted with; and in addition to the powers hereinbefore enumerated shall also possess the powers hereinafter specifically granted; and in addition thereto shall have such powers possessed by municipal corporations at common law as are not in conflict therewith or with the general statutes of the State of Minnesota, and the authorities thereof shall have perpetual succession.

**2. City boundaries.**—Sec. 2. The district of country aforesaid, constituting the "City of Saint Paul," and the said limits and boundaries thereof shall be as follows:

Beginning at the northeast corner of section twenty-three, township twenty-nine north, range twenty-two west (Sec. 23, T. 29 N., R. 22 W.) of the Fourth Principal Meridian, thence west seven and one-half ( $7\frac{1}{2}$ ) miles to the northwest corner of the northeast quarter of section twenty-two, township twenty-nine north, range twenty-three west (N. E.  $\frac{1}{4}$  Sec. 22, T. 29 N., R. 23 W.); thence south one-quarter ( $\frac{1}{4}$ ) mile to the northeast corner of the southeast quarter of the northwest quarter of section twenty-two (S. E.  $\frac{1}{4}$  N. W.  $\frac{1}{4}$  Sec. 22); thence west one-half ( $\frac{1}{2}$ ) mile to the northwest corner of the southwest quarter of the northwest quarter of said section twenty-two (S. W.  $\frac{1}{4}$  N. W.  $\frac{1}{4}$  Sec. 22); thence south three-quarters ( $\frac{3}{4}$ ) mile to the northwest corner of section twenty-seven (27); thence west one (1) mile to the northeast corner of section twenty-nine (29); thence north three quarters ( $\frac{3}{4}$ ) mile to the northeast corner of the southeast quarter of the northeast quarter of section twenty (S. E.  $\frac{1}{4}$  N. E.  $\frac{1}{4}$  Sec. 20); thence west one (1) mile to the northwest corner of the southwest quarter of the northwest quarter of said section twenty (S. W.  $\frac{1}{4}$  N. W.  $\frac{1}{4}$  Sec. 20); thence south about two and one half ( $2\frac{1}{2}$ ) miles along the township line to the center of the

westerly channel of the Mississippi river; thence southerly along said channel to the west of all islands on this course, about three (3) miles, to the mouth of Minnehaha creek; thence easterly along the center of said river channel and south of Pike's island to the easterly end thereof; thence northeasterly along the middle of the main channel of the Mississippi river about two (2) miles to the north line of section fourteen, township twenty-eight north, range twenty-three west (Sec. 14, T. 28, N., R. 23 W.); thence east about one and five-eighths ( $1\frac{5}{8}$ ) miles to the southeast corner of the southwest quarter of section seven, township twenty-eight north, range twenty-two west (S. W.  $\frac{1}{4}$  Sec. 7, T. 28, N., R. 22 W.); thence north one-quarter ( $\frac{1}{4}$ ) mile to the southeast corner of the northeast quarter of the southwest quarter of section seven (N. E.  $\frac{1}{4}$  S. W.  $\frac{1}{4}$  Sec. 7); thence east one-quarter ( $\frac{1}{4}$ ) mile to the southwest corner of the northeast quarter of the southeast quarter of said section seven (N. E.  $\frac{1}{4}$  S. E.  $\frac{1}{4}$  Sec. 7); thence south one-quarter ( $\frac{1}{4}$ ) mile to the southwest corner of the southeast quarter of the southeast quarter of said section seven (S. E.  $\frac{1}{4}$  S. E.  $\frac{1}{4}$  Sec. 7); thence east about two (2) miles to the middle of the main channel of the Mississippi river thence southeasterly about two and one-half ( $2\frac{1}{2}$ ) miles along the middle of said channel to the south line of said section twenty-three, township twenty-eight north, range twenty-two west (Sec. 23, T. 28 N., R. 22 W.); thence east about three quarters ( $\frac{3}{4}$ ) mile to the southeast corner of said section twenty-three (23) thence north seven (7) miles to the point of beginning.

**3. Ward boundaries—Council cannot change.**—Sec. 3. The said city of Saint Paul shall be and is hereby divided into eleven (11) wards, to be called the First (1st), Second (2d), Third (3d), Fourth (4th), Fifth (5th), Sixth (6th), Seventh (7th), Eighth (8th), Ninth (9th), Tenth (10th) and Eleventh (11th) wards, limited and bounded as follows:

All that portion of said city lying to the eastward of the St. Paul & Duluth railroad track, from the northern boundary of the city to the intersection of said track with Brook street, and east of the center line of Brook street and Brook street extended from such point of intersection to the Mississippi river and east of the Mississippi river from said Brook street produced to the south boundary line of the city, shall be the Second (2d) ward.

All that portion of said city lying south of the center line of the Mississippi river shall be the Sixth (6th) ward.

The Eighth (8th) ward shall be bounded as follows:

Commencing at the northeast corner of section numbered twenty-two (22), in township numbered twenty-nine (29), range twenty-three (23); thence south to the center line of Carroll street; thence east on center line of Carroll street to center line of Farrington avenue; thence south on center line of Farrington avenue to the center line of Marshall avenue; thence east on center line of Marshall avenue to center line of Louis street; thence south on center line of Louis street to center line of Nelson avenue; thence east on center line of Nelson avenue to center line of Summit avenue; thence northeasterly on center line of Summit avenue to center line of Rice street; thence northerly along center line of Rice street to the northern boundary of the city; thence west along the northern boundary of the city to the place of beginning.

The Seventh (7th) ward shall be bounded as follows:

Commencing at point of intersection of center line of West Third street with center line of College avenue; thence southwesterly through the center of blocks numbered respectively sixty-four (64) and seventy (70) of Dayton and Irvine's addition to the center line of Irvine avenue at its point of intersection with center line of Walnut street thence southwesterly along center line of Irvine avenue to the center line of Western avenue; thence south along the center line of Western avenue to center line of Pleasant avenue; thence southwesterly along center line of Pleasant avenue to the center line of St. Clair street; thence west along the center line of St. Clair street and St. Clair street extended, in a straight line to the southwest corner of the southwest quarter ( $\frac{1}{4}$ ) of section three (3), in township numbered twenty-eight (28), range twenty-three (23),



thence north in a straight line to the center line of Marshall avenue; thence easterly along center line of Marshall avenue to center line of Lexington avenue; thence north along center line of Lexington avenue to center of Carroll street; thence easterly along southerly boundary of Eighth (8th) ward, as herein described, to center line of Summit avenue; thence southwesterly along center line of Summit avenue to center line of West Third street; thence southeasterly along center line of West Third street to place of beginning.

The Fifth (5th) ward shall be bounded on the east by the following line:

Commencing at the intersection of the center line of West Third (3d) street with the center line of College avenue; thence southeasterly along center line of West Third (3d) street to center line of Eagle street; thence southeasterly along center line of Eagle street to the Mississippi river; on the north by the Seventh (7th) ward; on the south by the Mississippi river; and on the west by a line commencing at the southwest corner of Seventh (7th) ward, as herein described, and running thence south to the Mississippi river.

The Ninth (9th) ward shall be bounded as follows:

On the north by the northern boundary of the city; on the east by the center line of Mississippi street and Mississippi street extended in a straight line to the northern boundary of the city; on the west by the center line of Rice street, and on the south by a line which commences at a point of intersection of center line of Rice street with center line of Summit avenue, and runs thence northeasterly along said center line of Summit avenue to the center line of Wabasha street thence northwesterly along center line of Wabasha street to center line of East Summit avenue thence northeasterly along said center line of East Summit avenue to center line of Robert street thence northwesterly along said center line of Robert street to center line of Thirteenth (13th) street; thence northeasterly along said center line of Thirteenth (13th) street to center line of Jackson street; thence southeasterly along said center line of Jackson street to center line of Grove street; thence easterly along said center line of Grove street to its point of intersection with the center lines of Broadway and Mississippi streets.

The Fourth (4th) ward shall be bounded as follows:

On the east by the center line of Jackson street, on the north by the Eighth (8th) and Ninth (9th) wards, on the west by the Seventh (7th) and Fifth (5th) wards, and on the south by the Mississippi river.

The First (1st) ward shall be bounded as follows:

On the north by the northern boundary of the city, on the east by the Second (2d) ward, on the west by the Ninth (9th) ward, and on the south by the center line of Grove street.

The Third (3d) ward shall be bounded as follows:

On the north by the First (1st) and Ninth (9th) wards, on the east by the Second (2d) ward, on the south by the Mississippi river, and on the west by the center line of Jackson street.

The Tenth (10th) ward shall be all that portion of the City of St. Paul lying west of the Eighth (8th) ward as herein described and north of the center line of University avenue.

The Eleventh (11th) ward shall be all that portion of the City of St. Paul lying west of the Fifth (5th) and Seventh (7th) wards, as herein described, and south of the center line of University avenue.

The common council shall not have authority to change the boundary lines of said wards.

Adopted at General Election November 6th, 1906.

#### AMENDMENT NO. 1.

To amend Section three of Chapter one of said charter so as to read as follows:

"Sec. 3. The said City of Saint Paul shall be and is hereby divided into twelve (12) wards to be called the First (1st), Second (2nd), Third (3rd),

Fourth (4th), Fifth (5th), Sixth (6th), Seventh (7th), Eighth (8th), Ninth (9th), Tenth (10th), Eleventh (11th) and Twelfth (12th) wards, respectively, limited and bounded as follows:

"All that portion of said city lying to the eastward of the St. Paul & Duluth railroad track, from the northern boundary of the city to the intersection of said track with Brook street and, east of the center line of Brook street and Brook street extended from such point of intersection to the Mississippi river and east of the Mississippi river from said Brook street produced to the south boundary line of the city, shall be the Second (2nd) ward.

"All that portion of said city lying south of the center line of the Mississippi river shall be the Sixth (6th) ward.

"The Twelfth (12th) ward shall be bounded as follows: Commencing at the northeast corner of Section numbered twenty-two (22) in Township numbered twenty-nine (29), Range twenty-three (23); thence running south to the center line of Carroll street; thence east on the center line of Carroll street to the center line of Dale street; thence north on the center line of Dale street to the northerly boundary line of said city; thence west on the northern boundary line of the city to the place of beginning.

"The Eighth (8th) ward shall be bounded as follows: Commencing where the center line of Dale street intersects the north boundary line of the city; thence southerly along the center line of Dale street to the center line of Carroll street thence east along the center line of Carroll street to the center line of Farrington avenue; thence south on the center line of Farrington avenue to the center line of Marshall avenue; thence east on the center line of Marshall avenue to the center line of Louis street; thence south on the center line of Louis street to the center line of Nelson avenue; thence east on the center line of Nelson avenue to the center line of Summit avenue; thence northeasterly on the center line of Summit avenue to the center line of Rice street; thence northerly along the center line of Rice street to the northern boundary of the city; thence west along the northern boundary line of the city to the place of beginning.

"The Seventh (7th) ward shall be bounded as follows: Commencing at a point of intersection of center line of West Third street with center line of College avenue; thence southwesterly through the center of Blocks numbered respectively Sixty-four (64) and Seventy (70) of Dayton & Irvine's Addition, to the center line of Irvine avenue at its point of intersection with center line of Walnut street; thence southwesterly along center line of Irvine avenue to the center line of Western avenue; thence south along the center line of Western avenue to center line of Pleasant avenue; thence southwesterly along center line of Pleasant avenue to the center line of St. Clair street; thence west along the center line of St. Clair street and St. Clair street extended, in a straight line to the southwest corner of the Southwest Quarter ( $\frac{1}{4}$ ) of Section Three (3), in Township numbered Twenty-eight (28), Range Twenty-three (23); thence north in a straight line to the center line of Marshall avenue; thence easterly along center line of Marshall avenue to center line of Lexington avenue; thence north along center line of Lexington avenue to center line of Carroll street; thence easterly along southern boundaries of the Twelfth (12th) ward and of the Eighth (8th) ward, as herein described, to center line of Summit avenue thence southwesterly along center line of Summit avenue to center line of West Third street; thence southeasterly along center line of West Third street to place of beginning.

The Fifth (5th) ward shall be bounded on the east by the following line: Commencing at the intersection of the center line of West Third street with the center line of College avenue; thence southeasterly along center line of West Third street to center line of Eagle street; thence southeasterly along center line of Eagle street to the Mississippi river; on the north by the Seventh (7th) ward; on the south by the Mississippi river; and on the west by a line commencing at the southwest corner of Seventh (7th) ward, as herein described, and running thence south to the Mississippi river.

"The Ninth (9th) ward shall be bounded as follows: On the north by the northern boundary of the city; on the east by the center line of Mississippi street and Mississippi street extended in a straight line to the northern bound-

ary of the city on the west by the center line of Rice street, and on the south by a line which commences at a point of intersection of center line of Rice street with center line of Summit avenue, and runs thence northeasterly along said center line of Summit avenue to the center line of Wabasha street; thence northwesterly along center line of Wabasha street to center line of East Summit avenue; thence northeasterly along said center line of East Summit avenue to center line of Robert street; thence northwesterly along said center line of Robert street to center line of Thirteenth (13th) street; thence northeasterly along said center line of Thirteenth street to center line of Jackson street; thence southeasterly along said center line of Jackson street to center line of Grove street; thence easterly along said center line of Grove street to its point of intersection with the center lines of Broadway and Mississippi streets.

"The Fourth (4th) ward shall be bounded as follows: On the east by the center line of Jackson street; on the north by the Eighth (8th) and Ninth (9th) wards; on the west by the Seventh (7th) and Fifth (5th) wards, and on the south by the Mississippi river.

"The First (1st) ward shall be bounded as follows: On the north by the northern boundary of the city; on the east by the Second (2nd) ward; on the west by the Ninth (9th) ward, and on the south by the center line of Grove street.

"The Third (3rd) ward shall be bounded as follows: On the north by the First (1st) ward and Ninth (9th) ward; on the east by the Second (2nd) ward; on the south by the Mississippi river, and on the west by the center line of Jackson street.

"The Tenth (10th) ward shall be all that portion of the City of St. Paul lying west of the Twelfth ward, as herein described, and north of the center line of University avenue.

"The Eleventh (11th) ward shall be all that portion of the City of St. Paul lying west of the Fifth (5th), Seventh (7th) and Twelfth (12th) wards, as herein described, and south of the center line of University avenue.

"The Common Council shall not have authority to change the boundary lines of said wards."

## CHAPTER II.

### Elections, Terms of Office, Vacancies and Removals.

**4. City elections—When held.**—Section 1. The general city election shall be held on the first Tuesday in May, in the year 1902, and biennially thereafter on the first Tuesday in May.

**5. Officers to be elected.** Sec. 2. At each general city election there shall be elected a mayor, a city treasurer, a city comptroller, four justices of the peace, three constables and a common council consisting of two bodies, one to be known as the assembly, composed of nine members, and the other to be known as the board of aldermen, composed of as many members as there now are or hereafter may be wards in said city.

**6. Official year—Term.**—Sec. 3. The official year for the said City of St. Paul shall begin on the first Tuesday in June, and the term of the office of the mayor, city treasurer, city comptroller, justices of the peace, constables and members of the assembly and board of aldermen shall be two years from and after the first Tuesday of June next succeeding their election and until their successors shall have been elected and qualified.

**7. Municipal judges—Election—Term.**—Sec. 4. There shall also be elected at the general city election to be held on the first Tuesday of May in the year 1902, and at the general city election held each four years thereafter, two judges of the municipal court of said city. The term of office of said judges shall be four years from and after the first Tuesday of June next succeeding their election and until their respective successors shall have been elected and qualified.



**8. Officers—How elected.**—Sec. 5. The mayor, city treasurer, city comptroller, members of the assembly, judges of the municipal court, two justices of the peace and two constables shall be elected at large by and from the body of electors of said city, and one alderman shall be elected by and from the electors of each ward of said city, respectively. One justice of the peace and one constable shall be elected by and from the electors of the Sixth ward of said city. One justice of the peace shall be elected by and from the electors of the Tenth and Eleventh wards of said city.

**9. Members of council—Qualifications.**—Sec. 6. Every alderman at the time of his election shall be, and during his term of office shall remain a qualified elector and resident of the ward by which he was elected, and no alderman or assemblyman shall during the term of office for which he was elected hold any other city office except an office elective by the people.

**10. Justices of the peace—Sixth, Tenth, Eleventh wards.**—Sec. 7. The justice of the peace elected by the electors of the Sixth ward shall at the time of his election be a qualified elector of the Sixth ward in said city, and shall continue to be a resident of said ward during his term of office, and shall hold his office exclusively in the Sixth ward. The justice of the peace elected by the electors of the Tenth and Eleventh wards shall at the time of his election be a qualified elector of the Tenth or Eleventh ward, and shall continue to be a resident of either of said wards during his term of office, and shall hold his office exclusively in either the Tenth or Eleventh wards of said city.

**11. Notice by city clerk.**—Sec. 8. The city clerk, at least fifteen days before the holding of any general city election, and twenty days before the holding of any special city election, shall give public notice of the time and place of holding such election, and the hours during which the polls will be open, by posting in three public places in every election district three notices each containing a list of the officers to be elected at such election, one of which notices shall be posted up at the place of holding the election; provided that no failure of the clerk to give such notice shall invalidate an election.

**12. Election districts.**—Sec. 9. Election districts shall be formed within the boundaries of the respective wards by the common council, pursuant to and in conformity with the laws of the state regarding elections.

**13. General laws apply—Canvass.**—Sec. 10. All general laws of the State of Minnesota relating to elections and the preliminaries thereto shall, so far as applicable, apply to and govern all elections under the charter, and are hereby adopted as a part of this charter the same as if herein specifically re-enacted.

Within one week after any election under this charter the common council shall meet in joint session and proceed to canvass the returns thereof and declare the result as it appears from such returns, and the city clerk shall forthwith give notice to the officers elected of their respective elections.

**14. Special elections.**—Sec. 11. Special city elections to fill vacancies or for any other purpose, and all preliminaries thereto, shall be held and conducted and the returns thereof shall be made and canvassed in the same manner as in general city elections. The common council may, by resolution adopted by the affirmative vote of two-thirds of all the members of the assembly and of the board of aldermen, order a special election of the voters of the city and provide for holding the same. The purpose of such special election shall be clearly stated in such resolution, and no other matter shall be submitted thereat.

**15. Plurality vote—Tie vote.**—Sec. 12. In elections by the people, a plurality of votes shall constitute an election. When in an election by the people two or more persons shall receive an equal number of votes for the same

office, the election shall be determined by the casting of lots in the presence of the common council acting in joint session, at such time and in such manner as it shall direct.

**16. New election.—When.**—Sec. 13. Should there be a failure by the people to elect any officer herein required to be elected by the people on the day designated, the common council shall order a new election to be held, twenty days' notice of the time of holding the election being first given.

**17. Vacancies.**—Sec. 14. Any officer removing from the city, ward or district for which he was elected, or any officer who shall neglect or refuse for ten days after notice of his election or appointment to qualify and to enter upon the discharge of the duties of his office, shall be deemed to have vacated his office, and the common council shall proceed to fill the vacancy as herein prescribed.

**18. Removal from office.**—Sec. 15. Every person appointed to any office by the common council or elected to any office by the people may be removed from such office by the common council, acting in joint session, by a vote of two-thirds of all the assemblymen authorized to be elected and a vote of two-thirds of all the aldermen authorized to be elected. But no officer elected by the people shall be removed except for cause, nor until such person shall have a reasonable opportunity to be heard in his defense. The common council acting in joint session shall have power to fix a time and place for the trial of such officer, of which not less than ten days' notice shall be given, and to compel the attendance of witnesses and the production of papers, and to hear and determine the case; and if such officer shall neglect to appear and answer to such charge, the common council by the aforesaid vote may declare the office vacant.

**19. Vacancies—When council shall fill.**—Sec. 16. Whenever a vacancy shall occur in the office of any officer elective by the people, such vacancy shall be filled by the appointment of the common council, acting in joint session, until the next general city election; excepting that vacancies in the assembly shall be filled by the assembly, and vacancies in the board of aldermen shall be filled by the board of aldermen.

## CHAPTER III.

### City Officers—Their General Powers and Duties.

**20. Duties of mayor.**—Section 1. The mayor shall take care that the laws of the state and the ordinances of the city are duly observed and enforced, and that all other executive officers of the city discharge their respective duties. He shall from time to time give the common council such information and recommend such measures as he may deem advantageous to the city.

**21. City treasurer.**—Sec. 2. The city treasurer shall receive all moneys belonging to said city, including all taxes, license moneys and fines, and other revenues of said city, and keep an accurate and detailed account thereof.

**22. No loaning of public funds.**—Sec. 3. No funds of the city shall be loaned by the treasurer to any city officer or other person or corporation, or otherwise disposed of, except in accordance with law. Any violation of this provision shall be a misdemeanor, punishable by imprisonment for a period of not exceeding one year, or by a fine not exceeding \$1,000, or both, in the discretion of the court.

**23. City comptroller.**—Sec. 4. The city comptroller shall perform such duties as are prescribed by this charter, and shall from time to time perform such other duties as the common council may direct.

**24. City clerk.—Election.—Term.**—Sec. 5. There shall be a clerk of said city, styled the city clerk, who shall be elected by the common council, acting in joint session, and shall hold his office at the city hall. He shall be elected biennially and shall hold office for the term of two years, commencing with the second Tuesday of June of the year 1903, and of each odd numbered year thereafter, and until his successor is elected and qualified. And until said last mentioned date the present incumbent of the office of city clerk as heretofore constituted shall possess and discharge all the powers and duties prescribed for the city clerk by the terms of this charter.

**25. Duties of city clerk.**—Sec. 6. The city clerk shall keep the corporate seal and all papers and records of the city, and keep a record of the proceedings of the common council and each of the bodies thereof, at all whose meetings it shall be his duty to attend. Copies of all papers filed in his office and transcripts of the records and proceedings of the common council, and each of the bodies thereof certified by him under the corporate seal, shall be evidence in all courts as if the original were produced. He shall draw and countersign all orders on the treasury, in pursuance of any order or resolution of the common council, and keep a full and accurate account thereof in books provided for that purpose. The clerk shall have power to administer oaths and affirmations and take the acknowledgment of deeds and other writings.

**26. Assistant city clerk.**—Sec. 7. There shall be one assistant city clerk of said City of St. Paul, who shall be subject to the city clerk of said city, and for all the acts of said assistant clerk the city clerk shall be responsible. He shall be appointed in writing by said city clerk, and he may be removed by said city clerk at pleasure. Said appointment, before it shall be operative, shall be filed in the office of the city comptroller. The said assistant clerk may perform the same duties required of said city clerk.

**27. Secretary of park board.**—Sec. 8. The city clerk shall be ex-officio secretary of the board of park commissioners and of the conference committee, and shall keep correct and full records of their proceedings. He shall file and carefully preserve in his office the reports of members of said conference committee.

**28. Corporation attorney.—Election.—Term.—Assistants.**—Sec. 9. There shall be a corporation attorney of said city, who shall be elected biennially by the common council, acting in joint session, and shall hold office for the term of two years, commencing with the second Tuesday of March of the year 1901 and of each odd numbered year thereafter, and until his successor shall have been elected and qualified, excepting that the term of the corporation attorney in office when this charter takes effect shall terminate at the expiration of the term for which he was elected. The corporation attorney may appoint three assistant corporation attorneys, for whose acts he shall be accountable, and each of whom shall hold office during the pleasure of the corporation attorney and shall perform such duties as the corporation attorney may designate. It shall be the duty of the corporation attorney and each of his assistants to give their whole time and attention to the discharge of their duties, and they shall have their office at the city hall. The corporation attorney shall be allowed such clerical force as in the opinion of the common council shall be required.

**29. Duties of corporation attorney.—Special counsel.**—Sec. 10. The corporation attorney, with the aid of his assistants, shall attend to all the legal business of the city. He shall be the legal adviser of the mayor, common council, assembly, board of aldermen, all committees thereof, all boards and all city officers, and when requested by any thereof shall furnish opinions upon such legal questions relating to the business of the city as may be submitted to him. He shall in person or by one of his assistants attend the stated and special meetings of the common council, assembly, board of aldermen and all boards and committees. He shall also render and perform such



other legal duties as may be prescribed by the common council. All boards, committees and officers of said city are prohibited from retaining, feeling or employing any other attorney; provided, that in any case in which, by reason of interest, the corporation attorney cannot act, or in any case of special or unusual circumstances, necessitating the employment of special counsel, and upon the written request of the corporation attorney, the common council, by a four-fifths (4-5ths) vote of all the members thereof, may, by resolution, authorize the employment of an attorney to act as special counsel for the city in such case. Said resolution shall fix the maximum compensation to be paid for such service, and the person so employed shall not under any circumstances, be entitled to receive, and shall not be paid as compensation for his services, any sum in excess of the amount so fixed.

**30. Official publications—Bids for.**—Sec. 11. On the first Tuesday of December in each year and on or before 3 o'clock in the afternoon, the city clerk shall receive at his office sealed bids for the printing and publishing, during the year beginning on Jan. 1 following, in a daily newspaper printed and published in the English language in the city of St. Paul, qualified under the laws of the state to publish legal advertisements and specified in the bid, all ordinances and other proceedings and matters required under this charter or by the by-laws, resolutions or ordinances of the common council to be published in a public newspaper. Said bids shall be opened by the common council acting in joint session and said common council acting in joint session shall, before said Jan. 1, accept the bid of the lowest responsible bidder and designate the said newspaper specified therein as aforesaid as the newspaper in which shall be made for said year all said publications, and said newspaper shall for said year be the official newspaper of said city for the said year and until its successor shall be designated. At least ten days before the time fixed for receiving said bids the city clerk shall give notice in the official paper of said city of the time and place and purpose for which said bids shall be received, and in said notice shall reserve to the common council the right to reject any and all bids, and in case said common council shall reject such bids, the city clerk shall forthwith readvertise for bids in the manner aforesaid.

See amendment, Sec. 24, p. 13.

**31. Proofs of publication.**—Sec. 12. The publisher of the official newspaper of said city, immediately after the publication of any notice, ordinance or resolution, which by this charter is required to be published, shall file with the clerk of the city a copy of such publication, with an affidavit of himself or his foreman, of the length of time the same has been published, and such affidavit shall be conclusive legal evidence of the publication of such notice, ordinance, order or resolution, and no account for the publication of such notice, ordinance, order or resolution shall be allowed or adjusted by the comptroller, without the certificate of the city clerk that such proof of publication has been made and filed.

**32. Oaths of office.**—Sec. 13. Every person elected or appointed to office under this charter shall before he enters upon the duties of his office, take and subscribe an oath of office in the form prescribed by the general statutes of this state, and file the same duly certified by the officer taking the same with the city comptroller.

**33. Official bonds—Officers affected—Amounts.**—Sec. 14. That each of the following named officers of the City of St. Paul shall give and file, as hereinafter provided, a bond to the City of St. Paul in the amounts respectively as hereinafter named, to-wit: The city treasurer in the sum of two hundred thousand (200,000) dollars; the city comptroller in the sum of five thousand (5,000) dollars; the clerk of the municipal court in the sum of three thousand (3,000) dollars; the health commissioner in the sum of three thousand (3,000) dollars; the clerk of the board of public works in the sum of one thousand (1,000) dollars; the city clerk in the sum of five thousand (5,000) dollars.

**34. Official bonds—Filing—New bonds.**—Sec. 15. Every person elected or appointed to office under this charter, and who is required to give an official bond, shall, before he enters upon the duties of his office, execute and deliver to the City of St. Paul a bond in such amount as is provided for in this charter, and conditioned for the faithful performance of his duties as such officer, and also containing such further conditions as may be required or authorized by any provision of this charter, which bond and the sureties thereon shall be approved by the common council and shall be filed with the city comptroller, excepting that the bond of the city comptroller shall be filed with the city treasurer. The common council shall have power to require by ordinance or resolution any person elected or appointed to any office to execute and deliver to the City of St. Paul an official bond or additional official bond or new official bond, in such amount and with such conditions as it shall determine, which bond and the sureties thereon shall be approved and filed as above provided; and may remove from office any person refusing or neglecting to give the same.

**35. Surety bond required—Exceptions.**—Sec. 16. Every official bond shall be executed by one or more sureties, and every such surety shall be a corporation authorized under its charter to guarantee the fidelity of persons holding places of public trust and admitted to do business in this state; provided, that before any such corporation be accepted or approved as a surety on any such bond a certificate of the commissioner of insurance of this state, or a duly certified copy thereof in the form and stating the facts specified by section 56, of chapter 175, of the General Laws of 1895 of this state, be produced and filed with the bond. Provided, however, that said common council may, by resolution reciting the reason therefor and duly approved by the mayor, accept as sureties upon any such bond in place of such corporation at least two sureties, each of whom shall be a freeholder in said City of St. Paul, and shall make affidavit that he is worth the amount stated in the affidavit over and above all his debts, exemptions or liabilities, which amount shall in the aggregate be at least double the amount of said bond.

**36. Successors in office.**—Sec. 17. If any person, having been an officer in said city and whose term of office has expired, shall not, within ten days after notification and request by his successor in office, deliver to such successor in office all property, books, papers and effects of every description in his possession, belonging to said city, or pertaining to the office he may have held, he shall forfeit and pay to the use of the city \$1,000, besides all damages caused by his neglect or refusal so to deliver; and such successor may recover the possession of such books, papers and effects in the manner prescribed by the laws of this state.

**37. Council exempt from jury duty.**—Sec. 18. The members of the common council shall be exempt from serving on any jury during their term of office.

**38. Additional duties.**—Sec. 19. The common council shall have power at any time to require other and further duties to be performed by any officer whose duties are herein prescribed, not inconsistent with this charter.

**39. City contracts—Officials must not participate.**—Sec. 20. That no assemblyman, alderman, member of the board of public works or other officer or official of said City of St. Paul, while holding his office, shall directly or indirectly be a party to or interested or concerned in any contract or job with said city, or in any work prosecuted by its authority, or in the compensation to be received therefor, or in the furnishing supplies, fuel or other articles purchasable for the public use, and any contract or transaction prohibited as aforesaid shall be void, and all moneys which may be paid thereon by said city may be recovered back, and the office of any such city officer or official so offending shall thereby become vacant upon conviction thereof.

Adopted at General Election November 8th, 1910.

## AMENDMENT NO. 1.

Amend Section 11 of Chapter III of the charter of the City of St. Paul so as to read as follows:

"Sec. 11. On the second Thursday in November of each year, and up to 3 o'clock in the afternoon of said day, the City Clerk shall receive at his office sealed bids for the printing and publishing during the year beginning January 1st next following, in a daily or weekly newspaper printed and published in the English language in the City of St. Paul, qualified under the laws of the State of Minnesota to publish legal advertisements and specified in the bid, all ordinances, resolutions and other proceedings and matters required under this charter or the by-laws, resolutions or ordinances of the Common Council to be published in a public newspaper. Said bids shall be opened by the Common Council acting in joint session, and said Common Council in joint session shall on or before said January 1st accept the bid of the lowest reliable and responsible bidder and designate the said newspaper specified therein as aforesaid as the official newspaper of said city, in which shall be made for said year all such publications, and said newspaper shall for said year be the official newspaper of said city, and until its successor shall be designated.

At least ten days before the time fixed for receiving said bids, said Clerk shall give notice in the official paper of said city of the time, place and purpose for which said bids will be received, and in said notice shall reserve to the Common Council the right to reject any and all bids, and in case said Common Council shall reject such bids, the City Clerk shall forthwith readvertise for bids in the manner aforesaid.

The successful bidder shall forthwith enter into a contract with the city for doing said printing and publishing, and shall at the same time give a bond in the penal sum of ten thousand dollars (\$10,000) with some responsible surety company authorized to do business in the State of Minnesota, as surety thereon, to insure the fulfillment of said contract.

Hereafter it shall not be necessary to publish the first or preliminary order for the making of any public improvement or resolutions authorizing the payment of salaries, department pay-rolls, or estimates under contracts with the city. The annual reports of all boards and departments of the city government, other than the Assembly and Board of Aldermen, shall be a sufficient publication of the minutes of their proceedings.

Proposals for making public improvements, for which an assessment is to be made, shall be received by the Board of Public Works upon at least ten (10) days' notice given by two publications in the official newspaper, and said time shall be in to run with the first publication, and this shall constitute a lawful and sufficient notice, anything now in said charter to the contrary notwithstanding.

## CHAPTER IV.

**The Common Council—its General Powers and Duties.**

40. **Common council—Two bodies**—Section 1. The legislative authority of the City of St. Paul shall be vested in the common council, which shall consist of two bodies, one to be known as the assembly, composed of nine members, and the other to be known as the board of aldermen, composed of as many members as there are wards in said city. Said bodies shall meet separately, save as herein provided, for the transaction of business at the court house or city hall of said city, and each of said bodies shall meet at such times as it may determine by resolution.

41. **Quorum—Rules**.—Sec. 2. A majority of each body shall constitute a quorum to transact business, but a smaller number may adjourn from time to time and compel the attendance of the absent members under such terms and under such penalty as it may provide. Each body may determine the rules of its proceedings not inconsistent with the laws of this state and this charter, sit upon its own adjournment and punish its members for disorderly

behavior. The common council acting in joint session may likewise adopt joint rules governing its proceedings while acting in joint session.

**42. Negative votes—When recorded.**—Sec. 3. Each body shall keep a journal of its proceedings and the yeas and nays when taken on any question shall be entered on such journal. Any member of either body who, being present when his name is called, fails to vote upon any pending proposition, in a tone plainly understood by the presiding officer, shall be counted as having voted in the negative on said pending proposition, and if not present it shall be so recorded. It shall be the duty of the presiding officer of each body at each regular meeting thereof to sign, during the session of said body, the clerk's record of the proceedings of the last meeting of said body, after said record is corrected and approved, and to announce to said body in open session that he has attached to said record his official signature, and the clerk shall incorporate in the minutes of that meeting the statement aforesaid of the presiding officer relative to said signature.

**43. Officers—Election and duties—Special meetings.**—Sec. 4. On the first Tuesday of June, or as soon thereafter as practicable, each body of the common council shall proceed to elect by ballot, from its own body, a president and vice president, and the common council acting in joint session shall elect a president and vice president. Each of said presidents shall preside over the meetings of the body from which he is elected, and the vice president of each body, in case the president of such body is absent, shall act for the time being as presiding officer, and shall discharge the duties of such president. The president of each body may call special meetings of such body. The mayor may call special meetings of the common council, or of either body thereof, and the rules of each of said bodies may otherwise provide for the calling of special meetings. Notice of any special meeting shall be delivered personally to each member or be left at his usual place of abode.

**44. Acting mayor.**—Sec. 5. During the absence of the mayor from the city, or in case of his death, inability or incapacity for any reason to discharge the duties of his office, the president of the common council shall exercise all the power and discharge all the duties of the mayor, and shall be styled "Acting Mayor of St. Paul." And the president of the assembly shall perform the duties and exercise the powers of acting mayor in case of the inability of the president of the common council to act as acting mayor.

**45. Ordinances, etc.—Majority vote—Two thirds vote on appropriations of money.**—Sec. 6. Any bill, resolution or ordinance may originate in either of said bodies. No resolution, order or ordinance shall be valid or operative to bind the City of St. Paul unless it shall have passed each of said bodies by an affirmative vote of a majority of the members present by ayes and noes. No appropriation of money, or resolution, order or ordinance for the payment of money or creating any pecuniary liability, shall be valid or operative unless it shall have passed each of said bodies by the vote of two-thirds of all the members of a full body, taken by ayes and noes, and entered upon the record of the proceedings of the body. The style of all ordinances shall be "The Common Council of the City of St. Paul do ordain, etc."

**46. Ordinances, etc.—Mayor to approve—Veto—Council may pass over veto.**—Sec. 7. Every order, resolution or ordinance which shall pass said assembly and board of aldermen in conformity to the rules of each of said bodies and the joint rules of the two bodies, shall, before it becomes operative, be presented to the mayor of said city for his approval or rejection. If he approves thereof, he shall sign and deposit same in the office of the city clerk of said city for preservation; but if not approved, he shall return it with his objections to the said clerk for submission to the body in which it originated, and such objection shall thereupon be entered at large upon the journal of that body, and said body shall then proceed to reconsider the same. If after such reconsideration, two-thirds (2-3) of all members of said body shall agree to pass the same, it shall be sent, together with the objections of

said mayor, to the other body, by which it shall likewise be reconsidered, and if it be approved and passed by two-thirds (2-3) of all members of that body it shall become operative, notwithstanding the objections of said mayor; but in all such cases the vote of each body shall be determined by yeas and nays, and the names of the persons voting for or against said matter shall be entered on the journals of each body, respectively. If any such order, resolution or ordinance shall not be returned by said mayor to said clerk's office for said body, within five (5) days after it shall have been presented to him, with his approval, or with the objections of said mayor, the same shall become operative in like manner as if he (the mayor) had signed and approved the same. Provided, however, that in all cases where the original action of the common council requires a two-thirds (2-3) or greater vote, the veto of the mayor shall be effectual unless overruled by a four-fifths (4-5) vote of all the members of the common council.

And provided further that no ordinance, order or resolution authorizing the issuance of bonds or certificates of indebtedness without the submission for ratification to the electors of the city shall be valid or of any force or effect unless approved by the mayor in writing within ten days after its passage by the common council.

**47. Publication of ordinances, etc.**—Sec. 8. Every order, resolution or ordinance shall be published in the official paper before the same shall be in force and shall be recorded by the city clerk in books to be provided for that purpose. They shall be admitted as evidence in any court of the state without further proof. Resolutions may be published with the dates of their approval without appending thereto the signatures. The common council by a joint committee on printing shall as often as economy requires establish rules to guide the city clerk in making such publication, and said rules shall provide, among other things, for the publication of a synopsis only to, and orders and reports from the board of public works, and also for the elimination from the published proceedings of said common council, during any one publication, of all repeated matter and of all other matter not necessary to advise the public of the proceedings had and taken by said common council. The proof of the publication of any order, resolution or ordinance, by the affidavit of the foreman, or one of the publishers of such newspaper, with a printed copy of the order, resolution or ordinance annexed thereto, or any other competent proof of such publication, shall be prima facie evidence of the legal passage, enactment, approval, publication and promulgation of such order, resolution or ordinance in any court in this state.

**48. General powers of council.**—Sec. 9. The common council shall have the management and control of the property and finances of the city subject to the provisions of this charter, and shall have the power to appropriate money for city purposes only; and shall likewise, in addition to the powers herein vested in them, and subject to the provisions of this charter, have full power and authority to make, enact, ordain, establish, enforce, alter, modify, amend and repeal all such ordinances, rules and by-laws for the good government of the city, the protection of its property, the preservation of peace and good order, the suppression of vice and intemperance, the prevention of crime, the benefit of trade and commerce, the preservation of health and the prevention and extinguishment of fires; it shall have the power to establish and maintain a city prison and watchhouses; for the imprisonment, custody and safe keeping of all persons arrested for or charged with any offense whatever recognizable before the municipal court; to make all rules and regulations for the government and management of such prison and watchhouses, to appoint keepers and other officers for the same, and prescribe their duties and fix their compensation; the keepers of such prison and watchhouses shall have and possess all the powers and authority of jailers at common law or by the laws of this state.

**49. Specific powers of council.**—Sec. 10. For the purposes aforesaid the common council shall have authority by ordinances, resolutions or by laws:



**50. Gambling.**—First—To prevent and prohibit all description of gaming and fraudulent devices and practices, and all playing of cards, dice or other games of chance for the purpose of gaming in said city, and to authorize the destruction of all instruments used for the purpose of gaming.

**51. Liquor licenses.**—Second—To prevent and prohibit any person from giving or dealing in spirituous, fermented, malt or vinous liquors unless duly licensed by the common council.

**52. Disorderly assemblages.**—Third—To prevent and prohibit any riots, noise, disturbance and disorderly assemblages in said city, and to preserve quiet and order in said city.

**53. Disorderly houses.**—Fourth—To prohibit and suppress disorderly houses, grogeries or houses of ill fame.

**54. Encumbrances in streets.**—Fifth—To prevent and prohibit the encumbering of streets, sidewalks, lanes, alleys, public grounds or wharves with any materials or substances whatever.

**55. Immoderate driving.**—Sixth—To prevent and prohibit horse-racing, immoderate riding or driving in the streets, and to compel persons to fasten their horses or other animals attached to vehicles or otherwise, while standing in the streets.

**56. Firearms and fireworks.**—Seventh—To prevent and prohibit the shooting of firearms or crackers, and to prevent and prohibit the exhibition of any fireworks in any place which may be considered by the common council dangerous to the city or any property therein or annoying to any citizen thereof.

**57. Concealed weapons.**—Eighth—To prevent and prohibit the carrying or wearing, concealed by any person, any dangerous or deadly weapons and to provide for the confiscation thereof.

**58. Drunkenness.**—Ninth—To prevent and prohibit open or notorious drunkenness and obscenity in said city.

**59. Unwholesome substances.**—Tenth—To prevent and prohibit any person from bringing, depositing or having within said city any putrid, unsound or unwholesome animal or vegetable substance, and to require the removal of the same by any person who shall have any such substance upon his premises, or who shall bring, deposit or have the same within said city, and to authorize, upon failure to so remove, the removal thereof by some competent officer at the expense of such person.

**60. Nuisances.**—Eleventh—To prevent, prohibit, remove and abate any nuisance, obstruction or encroachment upon the streets, alleys, public grounds and highways of the city.

**61. Public health and safety.**—Twelfth—To prevent, prohibit, remove and abate any nuisance injurious to the public health or safety, and to do all acts and make all regulations which may be necessary or expedient for the preservation of health and the suppression of disease, and to prevent the introduction of contagious diseases into the city, and to make and enforce quarantine laws. The jurisdiction of said city shall extend to and be in force over any lands within the county of Ramsey purchased or used by said city for the purpose of a quarantine, for police and sanitary regulations; and for the preservation of the health of said city and the suppression of disease and abatement of public nuisances and the suppression of any business contrary to the sanitary regulations of the common council or the board of health, the jurisdiction of said city shall extend for a circuit of one mile beyond the present or any future limits of said city.

## COMMON COUNCIL POWERS AND DUTIES

**62. Contagious diseases.**—Thirteenth—To prevent, prohibit, control and regulate the landing and conveyance of persons from railroad trains, boats, vessels and other conveyances whereon are contagious or infectious diseases or disorders, and to make disposition of such persons as to preserve the health of the city.

**63. Vagrants, etc.**—Fourteenth—To prohibit, restrain and punish vagrants, mendicants, street beggars and prostitutes.

**64. Paupers, etc.**—Fifteenth—To prevent, prohibit, control and regulate the landing and conveyance of paupers and persons in destitute condition into said city, not having a legal settlement or residence therein, by any railroad train, boat or vessel or other means of conveyance, and to require that such persons shall be taken back to the place from whence they may have been brought by the person or persons conveying or leaving them in said city.

**65. Animals running at large.**—Sixteenth—To prevent, prohibit and restrain the running at large of cattle, swine, sheep, poultry and geese, and to authorize the distraining and sale of the same, and to impose penalties on the owners of such animals for violation of the ordinances; provided, that when a sale of such animals shall be made the proceeds thereof, after deducting the expense of distraining, keeping, advertising and selling such animals, shall be deposited in the office of the treasurer of said city, for the use and benefit of the owners thereof, if called for by such owner within one year from the day of such sale.

**66. Driving on sidewalks.**—Seventeenth—To prevent and prohibit all persons from riding or driving any ox, mule, cattle or other animal on the sidewalks or other public grounds or property in said city, or in any way doing any damage to such sidewalks, grounds or property.

**67. Treatment of animals.**—Eighteenth—To restrain and regulate the penning, herding and treatment of all animals within the city.

**68. Unsafe buildings.**—Nineteenth—To remove or require to be removed any building which by reason of dilapidation, defects in structure or other causes, may have or shall become dangerous to life or property, and to provide for the punishment of all persons who shall cause or maintain the same. A statement of the expenses of such removal, specifying the lots or parcels of land upon which it was incurred, shall be filed by the city clerk in the office of the register of deeds of the County of Ramsey, and shall thereupon become a lien in favor of said city upon such lot or parcel of land. The amount of such expense may be recovered by said city against the owner or owners of said lot or parcel of land and the lien be enforced in a civil action in any court of competent jurisdiction; provided that such statement shall be filed within three months after such expense has been incurred by said city, and that if suit shall not be brought as aforesaid to enforce such lien within one year thereafter, the same shall abate, and provided further, that said lien shall not obtain before the filing thereof against a bona fide purchaser without notice of such expenditures.

**69. Theaters, circuses, etc.**—Twentieth—To license and regulate the exhibition of common showmen and shows of all kinds, and the exhibition of caravans, circuses, concerts and theatrical performances.

**70. Billiard tables, etc.**—Twenty first—To license and regulate billiard tables, pool tables, nine or ten-pin alleys, and other similar devices, the proprietors and keepers thereof and the places in which the same may be used or maintained.

**71. Hotels, etc.**—Twenty-second—To license and regulate hotels, taverns, restaurants and victualing houses.

**72. Pawnbrokers, etc.**—Twenty-third—To define, license and regulate

pawnbrokers, and intelligence and employment offices and agents, and shall have power to compel such pawnbrokers, intelligence and employment agents and the persons conducting such intelligence and employment offices to give bond with such sureties as the said common council may provide in a sum not to exceed five thousand dollars, conditioned for the payment of any and all damages which any person may sustain by reason of the improper or wrongful acts or omissions of such pawnbrokers or intelligence or employment agents in such capacity or by reason of any false information given by such agent, and any person injured by any act of such improper or wrongful acts or omissions or false information may sustain an action on such bond against such pawnbroker or agent and said sureties, in any court having jurisdiction thereof.

**73. Insurance agents.**—Twenty-fourth—To license and regulate insurance offices and insurance agents.

**74. Auctioneers.**—Twenty-fifth—To define, license and regulate auctioneers and to regulate the time and place and manner of holding public auctions or vendues.

**75. Peddlers, ticket brokers, hackmen, etc.**—Twenty-sixth—To define, restrain, regulate and license hawkers, peddlers, porters, runners, agents and solicitors for common carriers, hotels, public houses, express companies or other establishments, ticket brokers, ticket agents, emigration and steamship agents, draymen, cabmen, cartmen, hackmen, omnibus drivers, and to regulate the manner and place in which they shall stand, and to prohibit them from entering or driving within any railroad depot or upon any railroad grounds or entering upon any railroad car or steamboat or other mode of conveyance to solicit passengers or baggage. Also to prescribe places for stands in the streets of said city within which drays, carts, cabs, hacks, coaches, carriages, sleighs, sleds and other vehicles may stand and be kept for hire, and within which loads of wood, coal, hay and other articles may be kept for sale, and to regulate such stands and places.

**76. Railroad and steamboat stations.**—Twenty-seventh—To preserve quiet and order at the arrival and departure of railroad cars, steamboats and other vessels and modes of conveyance.

**77. Hacks, trucks, etc.**—Twenty-eighth—To license and regulate hacks, carts, omnibuses, trucks, wagons and other vehicles engaged in hauling or carrying for hire, and to regulate the charges of the owners and drivers of such vehicles.

**78. Second-hand stores.**—Twenty-ninth—To define, regulate and license second-hand stores and junk shops, and the owners, keepers and managers thereof.

**79. Butcher shops and meat vendors.**—Thirtieth—To license and regulate butcher shops, butcher stalls, vendors of butcher's meat, commission merchants and all other persons who may deal in or sell on commission any fresh or butcher's meats, poultry or game, hucksters, vendors or dealers in fruits or vegetables, stock yards; also to regulate and restrain the sale of fresh or butcher's meat within the corporate limits of said city and to punish or restrain the forestalling of poultry, game, eggs or fruit within said corporate limits; provided, that this section shall not be construed to prevent pork-packers from disposing of offals or trimmings of hogs, nor shall any person selling game, or who may dispose of any animals raised or fattened by him, or who may sell fresh meats by the carcass or in quantities not less than by the quarter, be deemed or held a vendor of fresh or butcher's meat under the provisions of this section.

**80. Slaughter houses, breweries, etc.**—Thirty-first—to direct the location and management of slaughter houses, breweries, distilleries and pawnbrokers' shops.

**81. Bread, hay, etc.**—Thirty-second—To regulate the size and weight of bread sold or prepared for sale, to provide for the seizure and forfeiture of bread baked contrary thereto; to regulate the place and manner of weighing and selling hay, the measurement and selling of fire-wood, coal and lime, and to appoint suitable persons to conduct and superintend the same.

**82. Liquors and provisions**—Thirty-third—To regulate the inspection of flour, pork, beef, salt, fish, whisky and other liquors and provisions.

**83. Lumber and building materials.**—Thirty-fourth—To regulate the measurement and inspection of lumber, shingles, timber and building materials.

**84. Weights and measures—City sealer.**—Thirty-fifth—To provide by ordinance for a standard of weights and measures; for the appointment of a city sealer, and to require all weights and measures to be sealed by the city sealer, and to provide punishment for the use of false weights and measures.

**85. Inspectors, etc.**—Thirty-sixth—To appoint inspectors, weighers and gaugers; to regulate their duties and prescribe their compensation.

**86. Liquor licenses.**—Thirty-seventh—To license and regulate, except as hereinafter provided, all persons vending, dealing in or disposing of spirituous, vinous, malt or fermented liquors and all places in which the same are vended, dealt in or disposed of.

**87. Ice cutting and sale.**—Thirty-eighth—To restrain, control and regulate the cutting of ice in the Mississippi river, Lake Como, Lake Phalen and other places within the city limits, and to prevent the sale within the city limits of any ice cut from the aforesaid places or either of them.

**88. Public Baths.** Thirty-ninth—To provide, regulate and maintain places of bathing and swimming in the waters within the city limits, and to prevent and prohibit the same.

**89. Ornamental trees.**—Fortieth—To direct and regulate the planting and preserving of ornamental trees in the streets and public grounds.

**90. Rubbish—Removal of.**—Forty-first—To compel the owner or occupant of buildings or grounds to remove snow, dirt, or rubbish from the sidewalks, street or alley opposite thereto, and to compel such owner or occupant to remove from the lot owned or occupied by him all such substances as the board of health shall direct; and in his default to authorize the removal or destruction thereof by some officer of the city at the expense of such owner or occupant.

**91. Unwholesome places.**—Forty-second—To compel the owner or occupant of any grocery, cellar, tallow-chandler shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome, nauseous house or place, to cleanse, remove or abate the same from time to time, as often as may be deemed necessary for the health, comfort and convenience of the inhabitants of said city.

**92. Gunpowder, petroleum, etc.**—Forty-third—To regulate and provide for the receipt storage transportation safekeeping and dealing and traffic in gun powder gun cotton petroleum, kerosene or other dangerous explosive or inflammable oils or substances, within said city or within one mile of the corporate limits thereof, and to provide for the summary condemnation or destruction of any of such articles as may be kept, stored or dealt in, transported through or received in said city, contrary to such ordinances as said city may enact for the safety of life and property therein; and to license and regulate vendors or any dealers in any such substances.

**93. Dogs.**—Forty-fourth—To regulate the keeping and prevent the running at large of dogs and to impose a tax on the same, and to authorize the

destruction of the same in a summary manner when at large contrary to the ordinance, and to provide for the killing of dangerous or vicious dogs, and to punish by fine or imprisonment the owner or keeper of any such dog who refuses to deliver up the same to be killed, or to pay the tax imposed thereon.

**94. Steam boilers.**—Forty-fifth—To provide for the inspection and regulation of steam boilers and to license and regulate the persons in charge thereof.

**95. Buildings, dense smoke, etc.**—Forty-sixth—To control and regulate the construction of buildings, chimneys and stacks, the emission of dense smoke, and to prevent and prohibit the erection or maintenance of any insecure or unsafe building, stack, wall or chimney, or the emission of dense smoke in said city, and to declare them to be nuisances and to provide for the summary abatement; and in addition thereto by ordinance to impose such fine and imprisonment as it may deem proper, not exceeding a fine of one hundred dollars or ninety days' imprisonment or both in each case; also to provide for the regulation or summary abatement of any work or building which is detrimental to the safety, health or security of said city; also to provide for the entry at any time by any of its officers into any building or upon any work to ascertain whether the same is dangerous or insecure.

**96. Market places.**—Forty-seventh—To erect and maintain market houses, to establish markets and market places, to make rules and regulations for the government of the same; to appoint suitable persons for managing, overseeing and regulating such markets, to enforce the due observance of such rules and regulations, to restrain and prohibit during market hours the sale at any other places than in the public markets or market places, of meats, poultry, wild game, fruits or vegetables or other articles, except by regular licensed dealers, and by them only at their regular places of business and for which place they shall have a license, and to restrain and prohibit the purchase by any grocer or dealer in vegetables, poultry or other provisions, any meats, poultry, wild game, fruits, berries or any other article in any public market or market place during market hours, except for the use of his or her family; provided, however, that nothing in this section shall be construed to prohibit the sale of vegetables, country produce or poultry upon the public streets, lanes or alleys of said city after the hour of twelve o'clock noon of each day.

**97. Wharves and piers**—Forty-eighth.—To control, regulate and cause to be constructed, altered and maintained wharves and piers and grading and paving along the banks of the Mississippi river within the city limits, to prescribe and control the prices to be charged for wharfage or pierage thereon, to prevent or remove all obstructions in the water of said river and to regulate the landings, levees, wharves and piers within the city limits and boats and vessels landing and mooring at the same and the charges therefor; to have and exercise the same power and control over the said river within the limits of said city that it may possess over streets, highways and alleys, so far as such power and control may not be inconsistent with the laws of the United States or of this state. The expense of constructing, altering or maintaining such wharves, piers, grading and paving shall be paid out of the general fund of said city.

**98. Waterworks, etc.**—Forty-ninth—To make, establish and regulate public ponds, pumps, wells, cisterns, hydrants, reservoirs, and to provide for and conduct water into and through its streets, avenues, alleys and public grounds, and to provide for, control, erect and maintain water works for the supply of water to its inhabitants.

**99. Lighting city and public buildings.**—Fiftieth—To provide for lighting the city and all public buildings, to establish, erect and maintain, and cause to be operated gas works, electric lighting plants or other works for lighting the city streets, public grounds and public buildings; to purchase,

erect, establish and maintain poles, wires, pipes, conduits, subways, lamps and other appliances for lighting purposes, the use of which said common council may let to any person, firm or corporation contracting to light said city, or any part thereof, for a period not exceeding the term of such contract, and defray the cost of such lighting apparatus out of the lighting fund; provided, however, that said common council shall have no power to create, alter or extend lamp or lighting districts, or any part thereof, within said city, nor to locate or relocate any lamp or lamps within any such lighting or lamp district, but in all such cases the board of public works of said city shall have exclusive power and jurisdiction within the appropriations of said common council and the limitations of this charter.

**100. Hospitals, burial of dead, etc.**—Fifty-first—To provide and regulate hospitals and hospital grounds, to provide for the registration of births and deaths and the returns of the bills of mortality, and to regulate or prevent the burial of the dead within the city limits and within the circuit of one (1) mile beyond the same.

**101. Watchmen.**—Fifty-second—To provide for watchmen and to prescribe their number and duties and to regulate the same.

**102. Taxes.**—Fifty-third—To levy annual taxes in the manner and subject to the provisions and limitations contained in this charter and consistent with the laws of this state.

**103. Plats.**—Fifty-fourth—To accept plats of additions, subdivisions and rearrangements when the same conform to the provisions of this charter and the laws of the state.

**104. Fire limits—Safety regulations.**—Fifty-fifth—To prescribe, contract or extend the limits within which wooden buildings or buildings of other materials that shall not be considered fire-proof shall not be erected, placed or repaired; to direct that all and any building within the limits prescribed shall be made and constructed of fire-proof materials; to prohibit the rebuilding of wooden buildings within the fire limits when the same shall have been damaged to the extent of fifty per cent of the value thereof, and to prescribe the manner of ascertaining such damage; to prevent the dangerous construction and condition of chimneys, fireplaces, hearths, stoves, stovepipes, ovens, boilers and apparatus used in and about any building and to cause the same to be removed or placed in a safe and secure condition when considered dangerous; to prevent the deposit of ashes in unsafe places and in the streets and highways; to require citizens to provide as many fire buckets and in such manner and times as they shall prescribe and to regulate the use of them in time of fire; to regulate and prevent the carrying on of manufacturing dangerous in causing and promoting fires; to regulate and prevent the use of fire-works and fire-arms; to compel the owners or occupants of buildings to have scuttles in the roofs and stairs or ladders to the same; to authorize the mayor, members of the common council and other officers of the city to keep away from the vicinity of any fire all idle or suspected persons; to compel all by-standers to aid in the extinguishment of fire, and in the preservation of property exposed to danger thereat; and generally to establish such regulations for the prevention and extinguishment of fires as the common council may deem expedient.

**105. May acquire property.**—Fifty-sixth—To acquire and take real and personal property by gift, grant, devise or bequest, and hold and employ the same for public purposes.

**106. Fences, sign-boards, etc.**—Fifty-seventh—To license, regulate, prevent, prohibit and suppress the erection or maintenance of fences, sign-boards, bill-boards, and other structure designed for advertising purposes, in such close proximity to any street, highway or public grounds of said city as, in the opinion of said common council, may tend to impair or abridge the safe, convenient or free use thereof by the public.

**107. Patrol limits—Prohibition district.**—Fifty-eighth—To establish, alter, enlarge and contract patrol limits within said city, and to prevent, suppress and prohibit the sale or other disposal of any spirituous, fermented, malt, vinous or other intoxicating liquor within such limits, except by duly licensed druggists for medical, mechanical or chemical purposes to be used elsewhere than upon said druggist's premises. Provided, however, that said common council shall never grant any license to sell or otherwise dispose of any such spirituous, fermented, malt, vinous or other intoxicating liquor, except to such druggists for the purposes aforesaid, within the limits of the following territory, viz:—

Sections twenty-eight (28) and twenty-nine (29), the east half ( $\frac{1}{2}$ ) of the east half ( $\frac{1}{2}$ ) of section thirty-two (32) and all of section thirty-three (33), in township twenty-nine (29), range twenty-three (23), and the east half ( $\frac{1}{2}$ ) of the east half ( $\frac{1}{2}$ ) of section five (5), and all of section four (4) in township twenty-eight (28) of range twenty-three (23), all in Ramsey County, Minnesota, and also within any territory within two hundred (200) feet of any of the boundary limits thereof, nor within a distance of one-half ( $\frac{1}{2}$ ) mile of any college, university or reformatory institution within the limits of the new territory added to said city by "Ch. 281 of S. L. 1885, validated by Ch. 574, S. L. 1889."

**108. Municipal quarries, etc.**—Fifty-ninth—To provide, establish, equip, maintain and cause to be operated under the supervision of the commissioner of public works, municipal quarries, works, apparatus and other facilities for the manufacture, construction and laying of macadam, asphalt or other kinds of street pavements and cement, tile or artificial stone sidewalks.

**109. Sprinkling plants.**—Sixtieth—To provide, establish, equip and maintain suitable municipal works, apparatus and facilities for the cleaning, repairing and sprinkling of streets, alleys and public grounds, and for the collection and disposal of garbage and all other waste material under the immediate supervision of the commissioner of public works.

**110. Public buildings.**—Sixty-first—To provide for the erection, equipment and maintenance of all public buildings, that may, from time to time, be required for city purposes, not otherwise provided for in this charter.

**111. Second-hand stores.**—Sixty-second—To license, regulate and restrain second-hand stores and junk shops, and the owners and keepers thereof.

**112. Public playgrounds.**—Sixty-fourth—To provide and maintain public playgrounds and places of recreation for children, and to levy the necessary tax to acquire and support the same, not exceeding in any one year the sum of ten thousand dollars.

**113. Revocation of licenses—Enforcement of ordinances.**—Sec. 11. The common council shall have full power and authority to revoke for misconduct of the licensee, any license granted under this charter and to declare and impose fines, penalty and punishment, and to enforce the same against any person or persons who may violate any of the provisions of any ordinance or resolution or by-law passed or ordained by it, and all such ordinances, rules and by-laws are hereby declared to be and have the force of law; provided, that they be not repugnant to the constitution and laws of the United States or of this state. Such fines, penalties and punishments declared or imposed by the common council may extend to a fine not exceeding one hundred dollars and imprisonment in the workhouse not exceeding ninety (90) days, or both, and to be fed on bread and water at the discretion of the judge of the municipal court, and offenders against any ordinance, by-law or regulation as aforesaid, may be required to give security to keep the peace not exceeding six months and in a sum not exceeding five hundred dollars.

The common council may provide by ordinance that anyone convicted of an offense before the municipal court subjecting such offender to impris-

onment under the charter and ordinance of said city, may be kept at hard labor in any workhouse established by said city for that purpose, and may also provide by ordinance that anyone convicted of an offense before the municipal court aforesaid, and committed upon non-payment of a fine imposed, may be kept at hard labor in such workhouse until such person shall work out the amount of such fine at such rate of compensation as said council may prescribe for a time not exceeding the term of such commitment; and the common council shall have power to establish by ordinance all needful regulations for the security of such persons and to prevent escape and secure proper discipline; provided, that the municipal court shall not have the power for vagrancy to commit any person to the city prison, city workhouse or county jail, or to order such person to work upon the public streets or improvements of a longer period than thirty days.

**114. Fallen women, institution for.**—Sec. 12. The common council is hereby authorized to appropriate and set apart the whole or any portion of the fines which may be collected from prostitutes and from persons resorting to and visiting houses of ill-fame and of prostitution, and from the keepers and inmates of such houses, for the use and support of any institution established and maintained in the City of St. Paul for the care and reformation of fallen women. Such appropriation may be made to such institutions and at such times and in such sums as the common council may by a majority vote of all the members of each body thereof direct, subject to the approval of the mayor.

**115. Common nuisances defined.**—Sec. 13. The powers conferred upon the common council to provide for the abatement or removal of nuisances shall not bar or hinder suits, prosecutions or proceedings in the courts according to law. Depots, houses or buildings of any kind within the limits of said city, wherein more than twenty-five pounds of gunpowder or more than five barrels of forty-two gallon each (or such greater or less quantity as said common council may direct by ordinance) of petroleum, kerosene, naphtha or other inflammable or explosive oils or substances are deposited, stored or kept at any one time; gambling houses, houses of ill-fame, disorderly taverns, and houses or places where spirituous, vinous or fermented malt or other intoxicating liquors are sold, without licenses required therefor, within the limits of said city, are hereby declared and shall be deemed public or common nuisances.

**116. Control of public highways, etc.—City not liable for railroad accidents.**—Sec. 14. The common council shall have the care, supervision and control of all public highways, bridges, streets, alleys, public squares and grounds, sewers, and all other public improvements and public property within the limits of said city except as in this charter otherwise provided, and shall cause all streets which may have been opened and graded under the authority of said city, or with its assent, to be kept open and in repair and free from nuisances. The city corporation shall be exempt from all liability caused by railroads, either to persons or property, when said railroads or engines or cars are passing along, across, under, over or upon any street, lane, alley or other public way, within the limits of the City of St. Paul.

**117. Vacations of streets, etc.—Petition—Vote.**—Sec. 15. The common council of said city shall have the sole and exclusive power to vacate or discontinue public grounds, streets, alleys and highways within said city and also all county, territorial and state roads, whether actually traveled or used at the date of the petition for such vacation or not. No such vacation or discontinuance shall be granted or ordered by the common council except upon the petition of a majority of the owners of property on the line of such public grounds, streets, alleys or highways, resident within said city, save that a corporation, whether domestic or foreign, may, when interested, join in and verify such petition by any officer thereof, and be counted as a resident for the purposes of this section. Each petition provided for in this section shall bring forth the facts and reasons for such vacation, accompanied by a plat



of such public grounds, streets, alleys or highways, county, territorial or state roads proposed to be vacated, and shall be verified by the oath of one of the petitioners. The body of the common council, to which said petition is presented, shall thereupon, if it deem it expedient that the matter shall be proceeded with, order the petition to be filed of record with the city clerk, who shall give notice by publication in the official paper of the city for four (4) weeks, at least once a week, to the effect that such petition has been filed, as aforesaid, and stating in brief its object, and that said petition will be heard and considered by the said body, or a committee by it appointed, on a certain day and place therein specified, not less than ten (10) days from the expiration of said publication. Said body or such committee as may by it be appointed for the purpose, at the time and place appointed, shall investigate and consider the said matter, and shall hear the testimony and evidence on the part of the parties interested. Said body, thereupon, after hearing the same, or report of such committee in favor of granting such petition, made by resolution passed by three-fourth ( $\frac{3}{4}$ ) vote of all the members elect, declare such public ground, streets, alleys or highways, county, territorial or state roads vacated, which said resolution, if passed by a like vote of the other house, shall, before the same shall go into effect, be published as in the case of ordinances, and thereupon a transcript of such resolution and of said plat, duly certified by the city clerk, shall, before the same is valid, be filed for record and duly recorded in the office of the register of deeds of the County of Ramsey. No vacation of any street, alley or public ground in said city shall be hereafter allowed except upon such terms and conditions, as well as to the compensation, if any, to be paid by the person seeking such vacation, or otherwise, as shall be specified in the resolution ordering such vacation.

Provided, in case the plat commission shall have approved a plat embracing the premises proposed to be vacated which plat dedicates to the public use, in the opinion of said council, land equivalent in area and value to the premises sought to be vacated, then said council may by a three-fourths ( $\frac{3}{4}$ ) vote of all the members of each body, accept said plat and pass said resolution of vacation, and after said plat and said resolution have been recorded in said register's office, said vacation shall be valid without the payment of money into the said city treasury.

Provided, further, however, that vacations and discontinuances of such county, territorial or state roads may be granted upon the petition of a majority of the owners of property through which the same or the portions thereof sought to be vacated exist, when such owners have platted the same and shall have provided, in lieu of such roads, sufficient streets, in the opinion of the commissioner of public works and the common council, of which fact the approval of said commission and the acceptance of such plat and the resolution of vacation shall, when recorded, be conclusive evidence.

**118. Bridges, viaducts, tunnels—Approaches to—Change of grade.**—Sec. 16. The common council of the city of St. Paul shall have full power to construct any bridge, bridges, viaducts and tunnels and also the needful approaches thereto in any street or streets or highway or highways of said city over or under railway tracks or other places whether such bridge, bridges, viaducts, tunnels or approaches thereto conform to the established grade of the street or highway wherein they may be constructed or otherwise. The said bridge, bridges, viaducts or tunnels with the approaches thereto shall be and become part of the street or highway wherein they may be constructed aforesaid, and any part or parts of any established grade of such street or highway or of any street or highway crossing the same, may be so altered or changed by said common council, as to conform to the passageway over or under the said bridge, bridges, viaducts or tunnels, or to form the whole or any part of the approaches of such bridge, bridges, viaducts or tunnels, or to facilitate access to, or passage over the said bridge, bridges, viaducts or tunnels or approaches thereto. Provided, in case such bridge, bridges, viaducts or tunnels or approaches thereto, shall not conform to such established grade of such street or highway wherein they may be constructed, a vote of at least

three-fourths (¾) of the members elect of each body of such common council shall be necessary to authorize the same, or to change any part or parts of such established grade of such street or highway or other streets or highways, crossing the same as aforesaid.

**119. Damages for change of grade.**—Sec. 17. In case such bridge, bridges, viaducts or tunnels or approaches thereto, shall not conform to such established grade, or in case of any change of grade as aforesaid, any owner of land abutting upon that part of such street or highway where such bridge, bridges, viaducts or tunnels or approaches, or change of grade shall be ordered by said common council damaged thereby, shall be entitled to compensation from said city to be assessed as herein provided.

**120. Notice of claim—Filing—Hearings on.**—Sec. 18. To entitle such persons so damaged to compensation, he shall file with the city clerk within six (6) months from the passage of the resolution or order from the said common council directing the work to be done, or change of grade to be made aforesaid, a written claim of damages specifying the grounds thereof, and the said common council shall refer the said claim to the board of public works, who shall thereupon assess the amount of compensation to be awarded such claimant, and report the same to said common council. In making said assessment the said board of public works, by its clerk, shall give notice by publication at least three (3) times in the official newspaper in said city, of the time and place of their meeting for the purpose of making said assessment. Said notice shall specify briefly the object of said assessment and the property to which it relates, and the first (1st) publication thereof shall be at least ten (10) days before the time of said meeting. At said meeting all persons interested may appear and be heard by themselves, or their attorneys, and the board of public works may view the premises and also hear proof in reference to said matter. Said assessment shall not be final until confirmed by the board of public works. Notice of the time and place of such confirmation shall also be given by publication by the board of public works, through its clerk, in the official newspaper of said city, at least two (2) times, the first publication whereof shall be at least ten (10) days prior to the time set for such confirmation. The amount so awarded shall be paid to the party entitled thereto out of the general fund of said city or such other fund as may be provided for that purpose. No claim of damages aforesaid or proceeding to assess the same aforesaid shall delay or suspend the prosecution of said work.

**121. Petitions, etc., not necessary.**—Sec. 19. In ordering the construction of such bridge or bridges or such change of grade no petition or property owners or other petition or preliminary notice or reference to the board of public works or other preliminary proceedings, shall be necessary to enable or authorize the common council to act in said matter, and title five of chapter six of this charter relative to street grades shall not apply to such change of grade.

**122. Real estate, lease, purchase, sell.**—Sec. 20. The common council shall have power to lease, purchase and hold real estate for the use of said City of St. Paul, or to aid in the purchase of real estate for such public purposes as the common council may deem proper, by a three-fourths (¾) vote of all the members elect of each body thereof, and with the approval of the mayor, provided, however, that the exercise of said power shall be subject to the limitations and restrictions contained in this charter, and said common council may by a like vote sell and convey and by a majority of the members of each body lease any such real estate as the city may own and which is not needed for municipal purposes. The real estate purchased and held by said city shall be free from taxation.

**123. Eminent domain.**—Sec. 21. The City of St. Paul shall have the power to take private property for public use upon just compensation therefor, being first paid or secured; such power shall be exercised through its

common council or board of public works, or both, or other officers of said city as provided in this charter, or as may be hereafter provided by law.

**124. Franchises in streets.**—Sec. 22. The common council shall have power and authority by ordinance passed by vote of three-fourths ( $\frac{3}{4}$ ) of all the members elect of each body of said council, to grant rights, franchises and privileges in, over, upon or under any street, highway, alley, public grounds or levees of said city, for the purpose of constructing or operating street railways, or for telephoning, or telegraphing, or transmitting electricity, or transporting by pneumatic tubes, or for furnishing to the city or its inhabitants, or any portion thereof, water, light, heat, or power, or for any other public purposes but subject always to the limitations and conditions in this charter prescribed.

**125. Council regulation of franchises.**—Sec. 23. The common council may by ordinance provide for regulating and controlling the exercise by any person or corporation of any public right, franchise and privilege in any of the streets and any public places in said city, whether such right, franchise or privilege has been or may be granted by said city, or by or under the laws of the State of Minnesota or any other authority.

**126. No perpetual franchise.**—Sec. 24. No perpetual right, franchise or privilege as aforesaid, shall ever be granted, and no such right, franchise or privilege shall ever be granted for a longer period than twenty-five years.

**127. No exclusive franchise.**—Sec. 25. No exclusive franchise or privilege shall ever be granted.

**128. Franchise ordinances in council.**—Sec. 26. No ordinance granting any franchise or privilege shall be passed by either body of the common council until at least ten days after such ordinance shall have been introduced in such body and framed by such body in the exact form in which it shall be passed.

**129. Annual statements—Concerns holding franchises must file—Penalty for neglect.**—Sec. 27. Every corporation or person exercising any franchise in the City of St. Paul shall file annually on or before the first Monday of February, in the office of the city comptroller, a statement subscribed and sworn to by at least two officers of such corporation, or by the individual in control, in case such franchise is exercised by an individual or co-partnership, setting forth in detail for the preceding calendar year the then actual cost of the plant or business operated by said corporation or persons, the actual incumbrances, debts and obligations thereon, if any, the names and residences of the stockholders, and the amount of stock held by each, and the consideration paid therefor to the corporation; the names and residences of the individuals or co-partnerships; in case such franchise is exercised by individual or a co-partnership; an itemized statement of the assets and liabilities of any such corporation; the gross earnings, the expenses and nature thereof, and the net income for such calendar year of any such corporation, and in case of an individual or co-partnership, of the business done under such franchise. Such statement shall conform to such forms as may be prepared from time to time by the city comptroller. Every such statement shall be preserved by the comptroller in suitable manner for public inspection, and shall be open to public inspection during the business hours of the comptroller's office. Every such corporation, individual or co-partnership shall also file in the office of the comptroller from time to time such further and additional reports and statements as may be required by the common council relative to the rates charged and received for public service, relative to the character and frequency of such service, and relative to the number of persons using such service. The books, records, bills and vouchers of every such corporation, individual or co-partnership shall be opened to inspection and examination in the City of St. Paul by such officer of said city, person or persons as the common council may direct. Every such corporation, individual

or co-partnership who fails to comply with the provisions of this section shall be liable to the City of St. Paul in the sum of one hundred (100) dollars for each day of such failure, to be recovered in a civil action in any court of competent jurisdiction, and in case of default for sixty days any such franchise shall without further proceeding become forfeited, and all rights granted by the ordinance granting the same shall cease and terminate.

**130. Gross earnings tax.**—Sec. 28. Every corporation or person exercising any franchise or privilege in, over, under or upon any of the streets or public places or elsewhere, in the City of St. Paul, shall pay into the treasury of said city annually on or before the first Monday of March, a license fee in a sum equal to at least five per cent of the gross earnings derived or accruing from the exercise or enjoyment within said city of any such franchise or privilege during the previous calendar year.

**131. Extensions, modifications, etc.—How validated.**—Sec. 29. No extension, modification or change of any franchise or privilege heretofore granted, or of any condition or limitation affecting such franchise or privilege, shall be valid or effectual unless the person or corporation holding such franchise or privilege shall, in writing, agree that such franchise or privilege, together with any such extension, modification or change, shall be held and used subject to all the conditions and limitations in this charter prescribed, including the payment of a license fee of at least five per cent of the gross earnings.

**132. Concerning prior franchises.**—Sec. 30. No franchise or privilege shall be granted to any person or corporation now holding or hereafter acquiring any franchise or privilege heretofore granted by said city, unless such person or corporation shall in writing agree that said franchise or privilege so held or acquired, as well as said new franchise or privilege, shall both be held and exercised subject to all the conditions and limitations in this charter prescribed, including the payment of said license fee of at least five per cent of the gross earnings.

**133. Rates may be regulated.**—Sec. 31. The common council shall have the power to regulate and control the maximum price to be charged by any corporation or person exercising any privilege or franchise in the city for the service rendered by it to the city, and to any other person or corporation; but such price shall be fair and reasonable.

**134. Forfeiture.**—Sec. 32. Every ordinance granting any franchise or privilege as aforesaid, shall provide for the termination and forfeiture of any franchise or privilege aforesaid, for any breach or failure to comply with any of the terms, limitations or conditions thereof; and in all such cases the common council shall have power to declare the termination and forfeiture of any such franchise or privilege the same as though in each instance such power was expressly reserved.

**135. Rights in streets reserved.**—Sec. 33. No person or corporation shall occupy or have any rights in, over, upon or under, any street, highway, alley, public grounds or levees of said city for the purpose of constructing or operating street railways, or for telephoning or telegraphing, or transmitting electricity, or transporting by pneumatic tubes, or for furnishing to the city or its inhabitants, or any portion thereof, water, light or heat or power, or for any other public purpose, until an ordinance shall have been duly passed by said common council, in the manner and subject to the conditions and limitations prescribed in this charter.

**136. Steam, dummy or elevated railways.—Petition necessary.**—Sec. 34. No franchise to construct or operate any steam, dummy or elevated railway of any description on any street, highway, alley, public grounds or levees of said city, shall be granted, except upon the petition of the owners of more than one-half of the property fronting on the line of such proposed road.

**137. Street railways to maintain, sprinkle, etc., part of street.**—Sec. 35. Every grant of any right, privilege or franchise in, over, under or upon any of the streets, alleys or public grounds of said city, for street railway purposes, shall be subject to the conditions that the person or corporation exercising or enjoying the same shall sprinkle, clean, keep in repair and free from snow, and pave and repave so much of the streets or other public places herein mentioned which may be occupied by such street railways, as lies between the rails of each railway track and between the lines of double track and for a space of two feet outside of such tracks.

**138. Additional terms may be imposed.**—Sec. 36. Said common council shall have power to impose other terms, conditions and restrictions additional to those prescribed by this charter, upon the grant of any such right, privilege or franchise aforesaid, including suitable provisions that the whole or any part of the property used in the exercise or enjoyment of any such right, privilege or franchise shall, upon the expiration thereof, become the property of said city with or without further compensation.

**139. Abandoned franchises.**—Sec. 37. All rights, privileges and franchises heretofore granted by any lawful authority, in, over, under or upon any of the streets, alleys or public grounds of said city, which have never been exercised or which have been abandoned or been disused for more than five years before the time when this charter becomes effective, are hereby declared to be forfeited and invalid.

**140. New or salaried offices—Council cannot create.**—Sec. 38. The common council of said city shall have no authority or power to create any new or salaried office not specified in this charter, or in any manner to increase the salary or compensation of any officer whose salary is fixed in this charter, or to employ any assistant or make said city liable for any services rendered or attempted to be rendered in performing the duties imposed by law upon any salaried officer of said city; but nothing in this section shall prevent said city and its officers from employing such servants from day to day and from month to month as is authorized by this charter.

**141. Lawful taxes, etc.—Council cannot relieve.**—Sec. 39. The common council shall not have the power or authority to relieve any person or corporation from the payment of any lawful tax, assessment, fine or license, or to exempt him from any burden imposed upon him or it by law or order, or ordain the payment of any demand not authorized and audited according to law.

**142. Disputed demands on contracts.**—Sec. 40. The common council shall not have power to ordain or authorize any compromise of any disputed demand arising out of contract or any allowance therefor or therein, except as provided in the contract therefor.

**143. Damages for injuries.**—Sec. 41. The common council shall not have power to ordain or authorize the compromise or payment of any damages claimed for alleged injuries to persons or property, except by ordinance adopted by a vote of three-fourths ( $\frac{3}{4}$ ) of each body of the common council.

**144. Council members prohibited from soliciting city jobs.**—Sec. 42. No member of the common council shall demand, request or solicit any department officer or employee of said city to engage or hire any person to work for said city, or to place any person upon the pay-roll of said city.

**145. Council may lease levee.**—Sec. 43. The common council of the city of St. Paul are hereby authorized by ordinance, to lease to any person, persons, company or corporation any part or portions of the levee known as the West St. Paul levee in the Sixth (6th) ward of the City of St. Paul, Minnesota, as the same is designated and shown on the maps on file in the office of the commissioner of public works of the City of St. Paul, the said leases to be for such purposes and upon such terms and for such a length of time as the common council of said city shall prescribe.

## CHAPTER V.

### Financial Department.

#### TITLE I.

##### The Public Accounts.

**146. City comptroller—Accounts—Issue forms.**—Section 1. The city comptroller shall be the head of the accounting department; and, save as otherwise provided in this charter, or in the laws of the State of Minnesota, he shall keep all accounts and statistics of the several city departments, including the water department, and those of the independent school district of the City of St. Paul.

The comptroller shall, from time to time, prepare and issue forms for the accounts, reports, bills, vouchers, orders, receipts and checks, to be used by the several departments of the city government, and by the officers of the said school district, in the transaction of all such parts of the public business as concern the public finances.

The willful failure, or the refusal, by any officer, to use any such form, in the transaction of the business for which the same was designed to be used, shall be deemed willful misconduct in office on the part of such officer.

**147. Fiscal year.**—Sec. 2. The fiscal year in all departments of the city shall begin on January 1.

**148. Financial accounts—Evidences of city indebtedness, etc.**—Sec. 3. The comptroller shall keep regular books of account in which shall be entered all indebtedness of the city, and which shall at all times show the precise financial condition of the city; the amount of bonds, orders or other evidence of indebtedness lawfully issued; the amount of the same which has been paid, and the amount of each thereof remaining outstanding. He shall countersign all bonds, and other evidences of the city's indebtedness, and keep an exact account and record of each instrument, stating to whom and for what purpose the same has been issued; he shall keep accounts with all receiving and disbursing officers of the city, or of said school district, showing the amounts received by them from each of the various sources of revenue, and the amounts which they have disbursed under resolution or ordinances of the common council, or other legal mandate.

The comptroller shall, at all times, have access to all reports, books, vouchers and accounts, in each of the several city departments, and to those of the board of school inspectors; and it shall be his duty to frequently inspect the same, in order to insure the keeping of the same properly and efficiently, and in the mode contemplated by law and this charter.

**149. Treasurer to receive moneys.**—Sec. 4. Except as otherwise provided by this charter, or by the state laws, all moneys payable to the city, or to the said school district, shall be payable only to the city treasurer; and all moneys payable by the city, or by the said school district, shall be paid only by him.

**150. Treasurer's receipts.**—Sec. 5. For all moneys received by the city treasurer, he shall make out and deliver to the officer or person paying the same a receipt.

All receipts issued by the treasurer shall be consecutively numbered, through the fiscal year, and shall specify the amount received, the name of the person or officer making the payment, the date of the payment and the respective sources of revenue from which such moneys are derived. For each receipt issued a memorandum stub shall be retained by the treasurer, bearing the same number and containing the substance of the matters specified in the receipt. As far as practicable, separate series of receipts shall be used for separate classes of revenue. The stubs of each series of

receipts, issued within any fiscal year, shall be bound together as a volume, and retained by the treasurer as a permanent record of his office.

**151. Moneys under control of council—Payments, etc.—**Sec. 6. All moneys belonging to the city, or the said school district, shall be under the control of the common council, except as otherwise provided in this charter, and shall be paid out only on the order of the comptroller, countersigned by the mayor and city clerk, duly authorized by a resolution of the common council, two-thirds (2-3) of the whole number of each body voting therefor. Every such resolution shall specify the precise purpose for which, and the precise fund from which payment is to be made, and the precise amount to be paid.

No payment shall be authorized by the common council, or made by the treasurer, except out of the specified fund created and set apart for that purpose, in pursuance of law, and of this charter.

No order shall be drawn, countersigned, or issued until there shall be to the credit of the specific fund against which the same is drawn sufficient money to pay the same, together with all such other orders, payable out of the same fund, as may previously have been issued, and remain unpaid.

The name of the fund or department to which it is chargeable shall be printed in full on each order.

**152. Orders on treasury.** Sec. 7. Before any order on the city treasury shall be signed by the comptroller, or countersigned by the mayor and city clerk, for payment of any salary, or compensation for any service rendered or for anything furnished to the city, or to the said school district, such order shall be made to designate upon its face the legislative act, and the section thereof, or the chapter, title, and section of this charter, or the resolution, or ordinance of the common council, giving the date of the passage thereof under authority of which such order is drawn.

**153. Orders, to whom drawn.—**Sec. 8. All orders drawn and payments made for services rendered to the city, or to the said school district, by any officer, deputy, assistant clerk, or other person, shall be drawn in favor of, and made to the person who has actually rendered such service.

**154. Comptroller to audit claims.—**Sec. 9. Every claim or demand arising against the city, or the said school district, shall, before allowance by the common council for payment, be audited by the comptroller, who shall designate in his report thereon the particular fund out of which the same is payable.

**155. Payments by treasurer.—**Sec. 10. Every payment made by the city treasurer shall be made by means of a check or checks, to be drawn by the treasurer, upon some bank or banks in which the city shall have moneys deposited in accordance with this chapter belonging to the particular fund on account of which such payment is made, to at least the amount of such check or checks, except as otherwise provided in this charter, or by law.

All checks upon banks issued by the city treasurer shall be numbered consecutively, in separate series, running through the fiscal year, from 1 upwards, assigned to the several banks in which the city shall have deposits; and shall, before the same are issued, be countersigned by the comptroller, who shall keep a record of all such checks countersigned by him. No bank check issued by the city treasurer shall be of any force or validity, or any authority for the payment of money thereon, until the same shall have been so countersigned.

For each bank check made by the treasurer, a memorandum stub shall be kept by him bearing the same number as the check, and stating the date amount and payee of the check, the date of the order under which the same was drawn, and such other data as the comptroller shall prescribe. Such stubs shall be preserved and shall belong to the permanent records of the treasurer's office.

**156. Comptrollers accounts—Daily statements to treasurer.**—Sec. 11. The comptroller shall open and keep with each separate fund, including that of the said school district, a separate account, which shall at all times show the precise state thereof; and which shall, at the close of business on each day, show with respect to such fund the total amount of money standing to its credit, and the total amount of orders against it previously issued and remaining unpaid.

Prior to the commencement of payments in the treasurer's office, each morning, the comptroller shall make out, upon a form adapted to the purpose, and deliver to the treasurer, a statement showing, with respect to each fund, the following particulars, to-wit:

1. The amount of the annual appropriation by the common council for such fund.

2. The balance of money on hand, to its credit, at the beginning of business on the last preceding business day.

3. The amount of the receipts, to its credit, during the last preceding business day.

4. The amount of the payments made from it, during the last preceding business day.

5. The balance standing to its credit, at the close of business on the last preceding business day.

6. The amount of the orders previously issued against such funds, and remaining unpaid.

Upon the receipt of such statement by the treasurer, and before the commencement of payments by him, he shall examine the items thereof; and, if he shall find any error therein, he shall notify the comptroller thereof, and have the proper correction made. When the treasurer shall find such statement correct, he shall sign the same as evidence thereof, and shall file the same away, as part of the permanent records of his office. Such statements shall be upon sheets of form to permit the convenient binding of the same into volumes, covering each fiscal year; and the same shall be regularly bound in a durable manner.

**157. Treasurer to take evidences of payments.**—Sec. 12. Upon the payment by the treasurer of any order, note, bond or coupon, he shall require the surrender thereof, and shall take the same into his possession, as evidence of payments.

The comptroller may require the taking by the treasurer of such other evidences of payment, in any case, as he may deem necessary for the due protection of the city, and the safe or convenient transaction of its financial business.

**158. Comptroller to check treasurer's receipts and payments daily.**—Sec. 13. On each business day, after the close of receipts and payments in the treasurer's office, the comptroller shall check all the receipts and disbursements of such day; and the treasurer shall deliver to the comptroller all evidences of payment of moneys that have come to his possession during such day; the same, after adequate cancellation of all instruments in the form of commercial paper, to be retained as part of the records of the comptroller's office, until destruction of the same shall have been authorized by the common council.

The comptroller shall also see that the financial statement for the day, hereinbefore provided for, has been signed by the treasurer as correct.

The business hours of the comptroller's and treasurer's offices shall be so fixed as to permit the convenient transaction of the business therein, in the mode herein prescribed; and, in event of failure of the comptroller and treasurer to agree upon such hours, the mayor shall make an order arranging the same.

**159. Annual funds.**—Sec. 14. The account with each of the annual funds specified in Title 2, of this chapter, shall be opened at the beginning of the year; and the same shall at all times be so kept as to clearly show the re-



ceipts and payments on account of such fund, for that specific year, and so as to distinguish the same from the receipts and payments on account of the corresponding fund of other years.

**160. Fees to be turned in to treasurer daily.**—Sec. 15. Whenever, in pursuance of law, or of this charter, any officer of the city, or of the said school district, shall be charged with the duty of collecting or receiving any fees, or other moneys, for the use of the city, or of said school district, he shall, under the direction of the comptroller, keep full and accurate accounts and records of all such fees and moneys by him received, and at the close of each day's business pay all of the same then in his hands into the city treasury, at the same time making due report thereof, to the city comptroller, in such form as the latter shall prescribe.

**161. Division of moneys prohibited.**—Sec. 16. Save as may be otherwise provided in this charter, or by law, neither the common council nor any officer nor board, shall have the power to authorize the diversion of moneys levied, collected or received, on account of any fund, to the use of any other fund, or the borrowing or transferring of any balance or portion of any fund to the credit of another fund.

**162. Clerks to be certified to comptroller.**—Sec. 17. Any officer of the city, or of the said school district, who, under the laws of this state, or under the provisions of this charter, is entitled to any sum or allowance for clerk hire, or who is entitled to any clerk or assistant in the performance of his official duty, shall, in writing, certify to the city comptroller and to the mayor, the name of such clerk or assistant, the date of his appointment, and the amount of compensation he is to receive; and whenever such clerk or assistant named in such certificate ceases to act as such, said officer shall forthwith certify such fact to the comptroller and to the mayor.

**163. Requests for appropriations must be itemized.**—Sec. 18. Every request made to the common council for authority to make any purchase for said city, or for said school district, or otherwise, to create any liability against the city, or said school district, shall, save as otherwise expressly provided in this charter, be itemized.

## TITLE 2.

### The Public Expenditures.

**164. Comptroller to report to conference committee.**—Section 1. It shall be the duty of the comptroller, not later than the month of November of each and every year, to report to the conference committee, hereinafter in Title 1 of this chapter provided for, an estimate of the expenses of the city for the next succeeding fiscal year, and of the revenue necessary to be raised for said year. Said estimate shall be itemized so as to clearly show the amount necessary to be raised for each of the purposes necessary to carry on the business and financial affairs of said city, as these purposes are hereinafter in this chapter set forth, and said estimate shall also show an itemized statement of the probable amount which the said city will receive during the next succeeding fiscal year from sources other than the direct taxation of property.

**165. Conference committee to prepare estimate—Public hearing—Report to council.**—Sec. 2. On receiving such report from the city comptroller the conference committee shall in the month of November of each year, make out an estimate of the amount of expenditures which will, in its opinion, be required by each of the departments of the city government, and by the independent school district, of St. Paul, for the prudent and economical administration of the public affairs under its charge during the next following fiscal year. Such estimate, so made out, shall be known as the conference committee's report, and is hereinafter in this chapter so designated.

In said conference committee's report, the estimated expenditures shall be classified according to the funds hereafter in this chapter provided for, the estimated amount of each fund shall be itemized so as to show with reasonable clearness and exactness the various purposes for which such proposed expenditures are to be made, and the total amount for each department, and for said school district, shall, in no case, exceed the maximum amount permitted to be expended therefor, as hereinafter in this chapter prescribed. The said conference committee's report shall also include an approximate estimate of the rate of taxation of real and personal property in the city which will, in the opinion of said conference committee, be required in order to meet the expenditures by it so estimated, and there shall be noted in said report the amount by which the estimated expenditures for each purpose exceeds or falls short of the estimated expenditure, if any, for the same purpose made in the conference committee's report for the next preceding year. On the completion of said conference committee's report the same shall be published in the official paper of the city. Ten (10) days after the publication of said conference committee's report, said conference committee shall hold a public meeting, at which, under such rules and regulations as it may prescribe, it shall hear such persons as may desire to be heard in reference to said estimated expenditures, and receive such communications in writing as may be addressed it in reference to the same. The said conference committee shall thereafter further consider said report, and make such changes therein, within the limits herein prescribed, as in its judgment, may be desirable or necessary. Said conference committee's report shall, thereupon be transmitted by said conference committee to the common council some time during the first week in December in each fiscal year.

**166. Council to fix expenditures—City officers limited to such amounts—Penalty.**—Sec. 3. Upon the receipt of said conference committee's report, and in the month of December of each year, the common council shall, by ordinance, to be adopted by a two-thirds (2-3) vote of all members of each body, fix the amount of the expenditures in dollars that may be incurred by the several departments of the city government, and by the independent school district of the city of St. Paul, during the next following fiscal year.

No department, board or officer shall have any power or authority to expend any of the public moneys or to incur any liability, on behalf of the city, or of the said school district, in any fiscal year, in excess of the amount so fixed by the common council.

If any officer or board shall, within any fiscal year, assume to incur, on behalf of the city, or of said school district, any liability which would have the effect of causing the total expenditures made and incurred during the fiscal year, by any department, or by the said school district, to exceed the sum of the said annual appropriation therefor by the common council, such action shall be deemed malfeasance in office by the officers concurring therein, who shall be personally liable to the other contracting parties for the excess.

**167. Annual funds named—Amounts limited.**—Sec. 4. The expenditures of the city, and of the said school district, shall be made through the funds, hereinafter in this section named, to which the annual appropriations of the common council shall conform. Said funds are as follows, that is to say:

1. To provide for paying the interest, to accrue within the year, on all outstanding bonds and certificates of indebtedness, made or assumed by the city as general obligations thereof.

2. To provide additions to the sinking fund for paying off the said bonds at the maturity thereof.

3. To provide for paying the principal of any such certificates of indebtedness to mature within the year and also for paying the principal of any such bonds to mature within the year which cannot be paid out of the sinking fund and which are not funded or otherwise renewed.

4. To provide for the support and maintenance of the fire department of the city.

The total expense of the administration of said department, including all expenditures for lands, buildings, rents, stores, fuel, horses, apparatus and appliances of every description, salaries, wages, and all other outlay, whether of a temporary or permanent nature, shall not in any year exceed the sum of two hundred and forty-five thousand (\$245,000.00) dollars, in addition to any unexpended balance remaining in said fire department fund from the preceding year.

5. To provide for the support and maintenance of the police department of the city.

The total expense of the administration of the police department, including compensation of pound masters, and all expenditures for lands, buildings, rents, stores, fuel, horses, apparatus and appliances of all kinds, salaries, wages, and all other outlay, whether of permanent or temporary nature, shall not, in any year, exceed the sum of two hundred and fourteen thousand (\$214,000.00) dollars, in addition to any unexpended balance remaining in said police department fund from the preceding year.

6. To provide for lighting the city.

7. To provide for the payment by said city of its bills and expenditures for water.

8. To provide for the payment by the city of its portion of the expenditures of the board of control.

9. To provide for the support, maintenance and equipment of the public free schools of the independent school district of the City of St. Paul, including all expenditures connected therewith. The limits of the annual appropriation and expenditures for this purpose shall be as follows:

First—The sums permitted to be raised for such purposes by the provisions of Section 6 of Chapter 36 of the Special Laws of Minnesota for 1891, and by Chapter 40 of the General Laws of Minnesota for 1889, which are continued in force, adopted and made applicable to the City of St. Paul by Chapter 11 of this charter.

Second—Such amounts as accrue to said school district from other sources under the laws of this state.

Third—If the maximum amount of money available for the expenses of the public free schools of said school district under the provisions of law included in said Chapter 11, together with the said several amounts accruing to said school district from other sources under the laws of this state, shall be insufficient in any year for the economical support, maintenance and equipment of said schools, the common council may appropriate and set aside out of that part of the revenues of the city for such year arising from sources other than the direct taxation of property, such additional sum as may be necessary for the economical and proper support, maintenance and equipment of said schools. Provided, however, that the maximum amount which may be expended for all school purposes within said independent school district, other than the purchase and acquiring of new or additional sites and the erection of new public school buildings or additions to public school buildings already erected and for fitting up and furnishing such additional public school buildings, and such additions to existing public school buildings, from whatever sources such amount may be derived, shall not in any year exceed a sum in dollars to be found by multiplying by twenty-five (25) the average number of pupils in attendance on all the public free schools of the city supported by public revenues, during the next preceding school year; provided, further, that in the year 1901 the said common council may appropriate and set apart in addition to the maximum amount limited as afore-said from out of the revenues of said city for such year arising from sources other than the direct taxation of property, a sum not to exceed seventy-five thousand (75,000) dollars, to be used in repairing, renewing and improving existing public school buildings, and the heating, plumbing and ventilating apparatus thereof and for such purposes only.

In order to determine what sum shall be appropriated for the purposes named in this subdivision from the city's revenues derived from sources other than the direct taxation of property, the common council shall proceed

on the assumption that the amount to accrue to said school district from the state apportionment so-called will be the same during the next succeeding year as it has been during the then current year, and that the amount to accrue to said school district from the direct taxation levied therefor will be the full amount levied.

In order to ascertain the average number of pupils in attendance on said schools as herein defined the conference committee and said common council shall have the power and authority to summon such witnesses and examine the same under oath and require and secure such affidavits and other evidence as they or either of them or any branch of said common council may deem desirable. And no tax levy or proceeding for the levy or collection of any taxes for the support of said schools or any appropriation made therefor shall be invalidated by reason of any error in the computation of such average number of pupils in attendance on said schools, or in the amount of funds available for the support and maintenance of such schools. No part of any appropriation herein provided for shall be used for erecting any additional public school buildings unless authorized by ordinance of the common council passed by the votes of at least three-fourths ( $\frac{3}{4}$ ) of all the members of each body thereof.

The city comptroller, in case of an appropriation for the purpose of acquiring new or additional sites, or for the erection of new buildings, or any new addition to a building, or for fitting up and furnishing the same, shall open a separate account to be known as the "School Accommodation Account," to which he shall credit all amounts so set apart and to which he shall charge all expenditures made therefrom by the common council; and he shall make all such reports in regard to the condition of said funds and such recommendations concerning the same as he is required by this charter to make in regard to other separate funds.

10. To provide for the payment by the city of its proportion of the maintenance of the court house and city hall.

11. To provide for the support of the workhouse of the city.

The total expenditures for said purpose shall not, in any year exceed the sum of twenty-five thousand (25,000) dollars.

12. To provide for the payment of the salaries, clerk hire and incidental expenses of the department of the commissioner of public works.

The total expenditures for all said purposes shall not, in any year, exceed the sum of thirty thousand (30,000) dollars.

13. To provide for the payment of the salaries, clerk hire and incidental expenses of the board of public works.

The total expenditures for all said purposes shall not in any year, exceed the sum of twelve thousand (12,000) dollars.

14. To provide for the payment of salaries, clerk hire and incidental expenses in the several offices and departments of the city government, not specifically mentioned in this section.

The total amount of expenditures in any year for such salaries and clerk hire shall not exceed the aggregate of the several amounts allowed for salaries and clerk hire in the several offices and departments by this charter, or by some law of this state supplementary or paramount to this charter.

15. To provide for cleaning and repairing streets, sewers, sidewalks and crosswalks.

The total amount of expenditure in any one year for all of said purposes, other than that paid by special assessment, shall not exceed the sum of two hundred thousand (\$200,000) dollars, in addition to any unexpended balance remaining in said street and sewer fund from the preceeding year.

16. To provide for building and repairing bridges.

17. To provide a judgment fund for the payment of any docketed and unpaid judgment against the city.

18. To provide for printing and stationery for all departments of the city.

19. To provide for the support of the municipal court of the city.

20. To provide for the support of a public library and library building, and in connection therewith a museum and art gallery; provided, that when

and as soon as a site therefor shall hereafter either be donated or otherwise obtained, and a library building or a library building and a museum and art gallery shall either be donated or constructed thereon out of funds donated for that purpose and not accruing from taxation, such building to cost not less than two hundred thousand (\$200,000) dollars, then the annual appropriation for the purposes named in this subdivision shall be a sum equal to the proceeds derived from a one-half (½) of one mill tax on all the taxable property within the corporate limits of said city.

21. To provide for the maintenance and improvement of public parks, parkways, drives and other grounds under the jurisdiction of the board of park commissioners, not exceeding in any one year the sum of ninety thousand (\$90,000) dollars, in addition to any unexpended balance remaining in said fund at the end of each fiscal year, and in addition to all moneys received by said board from donations or from the lease of operation of privileges or other sources incident to the maintenance and management of the public parks.

22. To provide a general fund for the current and incidental expenses of the city not heretofore specified and provided for, in which may be included a contingent fund not to exceed ten thousand (10,000) dollars to be used by the common council for such purposes as it shall deem calculated to promote the general welfare of the city.

23. To provide for the support of the health department of said city, not exceeding, however, in any one year, the sum of twelve thousand (\$12,000) dollars, in addition to any unexpended balance remaining in the health department fund from the preceding year; except that in case of invasion or threatened invasion of the city by dangerous epidemic, the common council may, by ordinance to be passed by at least three-fourths of all the members elect of each body, authorize additional expenditure to be made from the general fund, as the same is herein provided for. The commissioner of health shall appoint an assistant commissioner of health, who shall be a physician in regular practice, and such number of inspectors as may be necessary, and shall fix the salary and compensation of said assistant and inspectors, provided always that the total expenditure of said department during any year shall not exceed the appropriation therefor as above provided. Any other requirements of the charter in conflict with the foregoing provisions are hereby repealed.

The provision contained in section 3, title 2 of chapter 6 of said charter imposing upon the commissioner of public works the duty of collecting and disposing of garbage and other waste matter is hereby repealed, and hereafter the duty of collecting and disposing of garbage, dead animals and other waste matter, except stable refuse and night soil, is hereby imposed upon the department of health, and such work shall be done under the direction and supervision of the commissioner of health, and a fund shall be provided therefor by taxation, to be known as the 'Garbage Fund' which shall not exceed in any one year the sum of twenty-five thousand (\$25,000.00) dollars, in addition to any unexpended balance remaining in said fund from the preceding year, and in addition to all moneys received from the sale and disposal of garbage, dead animals and other refuse matter, which receipts shall be credited to said fund.

The commissioner of health, within the limit of such appropriation, shall have the power to employ such help and assistance as may be necessary to enable him to discharge the duties hereby imposed, and shall, with the approval of the common council, fix the compensation of all employes, outside of the health department proper, who are engaged in the collection and disposal of garbage, dead animals and other waste matter.

24. To provide for the sprinkling of streets, lanes, alleys and other public places in said city, except parks and parkways. The total expenditure in any year for all of said purposes shall not exceed the sum of forty thousand (40,000) dollars.

**168. Economy imposed.**—Sec. 5. The amount of money appropriated by the common council and expended by the several officers and departments

of the city government, and by the said school district, shall only be such as will be necessary for an economical administration of the city affairs.

### TITLE 3.

#### The Public Revenues.

**169. Miscellaneous receipts—Estimate—Apportionment.**—Section 1. After the common council shall have made the annual appropriation for the expenditures of the several departments of the city government, and for the independent school district of the City of St. Paul, as provided in the last preceding title of this chapter, and not later than the month of January of the year for which such appropriations were made, the common council shall make an estimate of the probable receipts, within the year, from liquor, butcher's, dog, dray, wagon, truck, express, theater, circus and other licenses, and also from the municipal court, market house and markets, workhouse, building inspector's permits, poundage, and from all other sources, save general taxation or special assessments, or where moneys are received by the city treasury for some specific use, and shall, upon the completion of the said estimate, by ordinance, apportion the amount of the same, according to its discretion, among some, or all, the said funds specified in section four (4) of title two (2) of this chapter; except that from said miscellaneous sources there shall in any year, be apportioned to the fund appropriated for school purposes, no more than is necessary, together with the amounts estimated, as hereinbefore provided, to be derived from other sources, to make up the maximum amounts permitted under this charter to be expended for school purposes. In making such apportionment, specific sums shall be assigned to each fund participating therein other than the general fund; to which latter the residue of said miscellaneous receipts shall be assigned, after the satisfaction of the amounts specifically apportioned.

From time to time, as receipts from the said miscellaneous sources come into the treasury, the comptroller shall distribute the same among the different funds to which the same have been apportioned by the common council, upon the basis of such apportionment so that each fund authorized by the common council to share in said receipts shall have credited to it the full proportion designated by the common council.

**170. Property subject to taxation.**—Sec. 2. All property, real and personal, within the city, except such as may be exempt from taxation by the laws of the state, shall be subject to taxation for the support of the city government, and of the public free schools of the independent school district of the City of St. Paul, and the same shall be assessed, as provided by law.

**171. Tax levy—When and how made.**—Sec. 3. After the common council shall have made the apportionment of revenues from miscellaneous sources among the several funds, as provided in section one (1) of this title, it shall, not later than the month of January, in each year, proceed to make a tax levy upon all the taxable property within the city, as nearly as may be equal to the aggregate amount of the previously made appropriation for each of the said funds, specified in section four (4) of title two (2) of this chapter, after deducting therefrom the proportion of miscellaneous receipts so assigned to it, and any unexpended balance of the corresponding fund of the previous year. All such tax levies shall be itemized, and the amount for each fund be separately stated therein.

**172. Copy to county auditor.**—Sec. 4. After the making of the said tax levy, a duly authenticated copy thereof shall forthwith be transmitted to the county auditor of Ramsey County, who shall cause the same to be entered upon the tax duplicate of said county, and to be collected, at the times and in the manner prescribed by the general laws of this state relating to the levy and collection of taxes.

**173. Water department—Receipts kept separate.**—Sec. 5. All revenues and receipts of the water supply department shall be kept separate and distinct from the other revenues and income of the city, and shall be exclusively applied to the payment of the expense of conducting the business of that department, the repairs and maintenance of the plant and property constituting the public waterworks, the payment of the interest and principal of all the bonds heretofore or hereafter issued by the city for the acquisition, extension, renewal or improvement of said works, and the payment for such future extensions and improvements of the same, as may be made by the city.

**174. Districts exempted from certain payments on public debt.**—Sec. 6. The proviso of section ten (10) of chapter one (1) of the Special Laws of Minnesota for the year 1872, approved February twenty-ninth (29) one thousand eight hundred and seventy-two (1872) entitled "An act to amend the charter of the City of St. Paul," in the words following, viz.:

"Provided, that no assessment or levy of any tax shall be made upon any part of the property, real or personal, embraced within the enlarged limits of said city, as extended by this act, for the payment of any portion of the interest and principal of the existing indebtedness of said city, funded or otherwise. In all assessments or levies of taxes for payment of such indebtedness, the lands and property embraced in such enlarged limits shall be expressly omitted."

And so much of section three (3) of chapter thirty-six (36) of the Special Laws of Minnesota for the year 1873, approved March sixth (6th), one thousand eight hundred and seventy-three (1873), entitled:

"An act to extend the limits of the City of St. Paul," in the words following, viz.:

"It is hereby expressly declared that neither the territory hereby added to said city, nor the lands, tenements or hereditaments, nor the personal property of any resident, situate and being, or which may be situate on, said territory hereby added to said city, shall ever be assessed or taxed for the payment of any part, either principal or interest, of the existing debt of said city, either funded or otherwise, but all assessments or levies of taxes for said antecedent indebtedness of said city aforesaid, is hereby expressly prohibited."

And the proviso in section two (2) of an act approved March ninth (9th), one thousand eight hundred and seventy-four (1874), entitled, "An act to detach certain territory in Dakota county, and annex the same to the County of Ramsey," in the words following, viz.:

"Provided, that no assessment or levy of any tax shall be made upon any part of the property, real or personal, embraced within the enlarged limits of the city, as extended by this act, for the payment of any portion of the interest and principal of the existing indebtedness of said city funded or otherwise."

And so much of section three (3) of chapter two hundred and eighty-one (281) of the Special Laws of one thousand eight hundred and eighty-five (1885), as amended by chapter one hundred and four (104) of the Special Laws of one thousand eight hundred and eighty-five (1885), in the words following, viz.:

"No assessment or levy of any tax shall be made upon any part of said new territory for the payment of any portion of the principal or interest of the existing bonded indebtedness, and of any bonded indebtedness that may be authorized at the present session of the legislature of the State of Minnesota, or of any bonded indebtedness which may have been heretofore authorized but not issued."

And so much of section three (3) of an act approved February eighth (8th), one thousand eight hundred and eighty-seven (1887), entitled, "An act to extend the limits of the City of St. Paul," in the words following, viz.:

"No assessment or levy of any tax shall be made upon any part of said new territory for the payment of any portion of the principal or interest of the existing bonded indebtedness and of any bonded indebtedness that may be authorized at the present session of the legislature of the State of Min-

nesota, or of any bonded indebtedness which may have been heretofore authorized, but not issued." And all other laws now in force which exempt any portion of the city from any specific burden of taxation are each and all hereby continued in force.

**175. Unexpended balance—Term defined.**—Sec. 7. The term "unexpended balance," as used in this title, means moneys in the city treasury at the close of any fiscal year, to the credit of any fund, in excess of the requirements for meeting the expenditures lawfully chargeable to that fund, in the same and prior years, including the interest and principal of all tax levy certificates that may have been issued to provide moneys therefor.

**176. Special assessment proceeds—Application for refunds.**—Sec. 8. The proceeds of any special assessment shall form a separate fund, applicable only to the purposes for which such assessment was made; and any residue remaining in the treasury to the credit of any such fund, after all liabilities properly chargeable against the same have been paid, shall, to the extent that such residue arises from the payment of the principal of such assessments, be refunded to the parties paying the same, or their assigns, in proportion to the amounts of such principal paid by them, respectively, and, to the extent that such residue arises from the payment of interest and penalties, the same shall be transferred to the sinking fund mentioned in this chapter.

Every application for a refund of money paid on special assessment shall be made in writing to the comptroller, within the period of six (6) years after the payment of such money to the city treasurer, and the failure to make application therefor within said period, shall terminate all right to such refund. After the right to such refund shall have lapsed, as aforesaid, the sum previously held subject thereto, shall also be transferred to the said sinking fund.

**177. Schools retain revenues.**—Sec. 9. The revenues, if any, derived from the public schools of the said school district shall belong to the said fund provided for the maintenance of the said schools.

## TITLE 4.

### The Public Funded Debt.

**178. Bonded indebtedness limited—Interest and sinking fund.**—Section 1. Save as provided in the next following section, the present bonded or permanent debt of the city shall not be increased; nor shall any new bonds of the city be issued except as provided by law.

The common council is fully authorized and empowered to provide by taxation for the prompt payment of interest, and for a sinking fund sufficient to meet such bonds, and all other bonds of the city, at maturity, whether heretofore issued or hereafter to be issued.

**179. Refunding bonds authorized.**—Sec. 2. The city shall have the power to issue bonds as provided by section ten (10) of chapter three hundred and fifty-one (351), General Laws of 1899, for refunding bonds previously issued, but for none of the other purposes mentioned in said section.

**180. Faith and credit of city pledged for bonds—Funds may be transferred.**—Sec. 3. Whenever in the opinion of the common council it becomes necessary to do so, and said council shall, by ordinance, authorize the same, any of the funds of the city, save funds collected from special assessments, and save funds collected for the support of the free public schools of the city, may be transferred to the credit of the fund designated for the payment of the principal and interest of the bonded indebtedness of the City of St. Paul; and the faith and credit of the city is hereby irrevocably pledged for the prompt and faithful payment of said bonded indebtedness, and the interest thereon, as in the said bonds provided.



**181. Sinking fund provided.**—Sec. 4. A sinking fund, to be used toward the payment and retirement of the bonded debt of the city shall be created out of the moneys derived from the following named sources:

1. Such taxes as the common council may, from time to time, levy for the purpose, in pursuance of law or of this charter.

2. The proceeds of the sale of any property belonging to the city, not otherwise appropriated or set apart by law or by this charter, and which shall not, within one year after its receipt by the city treasurer, have been expended in or specially appropriated or set apart for the acquisition of other property, for some public use, in pursuance of law, or of this charter.

3. The proceeds of taxes levied for any fund or department that may have heretofore ceased, or may hereafter cease to exist, without being succeeded by any other fund or department covering the same general objects.

4. The surplus arising from any special assessment after all legal demands upon the proceeds of such assessment shall have been satisfied.

5. The surplus of the revenues of the water department, including the proceeds of any water frontage tax heretofore or hereafter collected, which shall not, in the opinion of the sinking fund committee with the concurrence of the board of water commissioners, be required for the repair, maintenance or operation of the water supply plant of the city, or for the payment of the principal of and interest upon the bonds heretofore or hereafter issued for the acquisition or extension of the city water works.

6. Any other moneys coming into the city treasury, not otherwise appropriated by law or by this charter.

**182. Sinking fund committee.**—Sec. 5. The sinking fund shall be under the management of a committee, to be composed of the mayor, the comptroller and the treasurer, of which the mayor shall be ex-officio chairman, and the comptroller ex-officio secretary. All moneys and securities belonging to such fund shall be kept entirely separate from all other funds belonging to the city; and records and accounts of the same shall at all times be kept, showing the exact amount and condition of said funds, and containing a complete description of all securities belonging to the same.

**183. Investments from sinking fund.**—Sec. 6. As fast as moneys accumulate in the sinking fund, the sinking fund committee shall cause them to be invested in securities of the descriptions following, and not otherwise, that is to say:

1. The bonds of the City of St. Paul.

2. The interest bearing certificates of the City of St. Paul.

3. Interest bearing bonds of the County of Ramsey, in this state.

4. Interest bearing bonds of the State of Minnesota, or of the United States, or of any other state which shall not at any time previously have defaulted in the payment of the interest or principal of its bonded debt.

5. Interest bearing bonds of any other county of the State of Minnesota, lawfully issued for any purpose other than to aid in the construction of a railway, or to refund railway aid bonds previously issued.

**184. Cancellation of city bonds acquired.**—Sec. 7. Bonds of the City of St. Paul, acquired for the sinking fund, shall, as fast as acquired, be canceled and destroyed.

**185. Sinking fund income.**—Sec. 8. The gain or income arising from any moneys or securities held for the sinking fund, shall also belong to said fund, and shall be used for the same purposes for which the principal from which such gain or income shall accrue, are hereby required to be used.

**186. Rule for investments.**—Sec. 9. The several classes of investment for the sinking fund shall be given preference by the sinking fund committee, in the order hereinbefore stated, so far as can practicably be done with due regard to the advantage of such fund.

**187. Purchases and sales.**—Sec. 10. All purchases and sales of securities for the sinking fund shall be made upon such notice, and in such manner, as

shall seem to the Sinking Fund Committee most to the advantage of said fund.

Sec. 11. Whenever any bonds of the city shall mature, the moneys and securities in the sinking fund applicable, under the provisions of this title, to the payment thereof, shall be used for that purpose; and all bonds so paid shall forthwith be cancelled and destroyed.

**188. Refunding bonds—Council may provide for—Application of proceeds.**—Sec. 12. The common council shall have power to provide for the issue in accordance with law, and with this charter, of such bonds as may be required for refunding such portions of the bonded debt of the city as may mature and cannot be paid off or redeemed with the moneys and securities in the sinking fund applicable to that purpose. Such refunding bonds shall be negotiated by the Sinking Fund Committee, and no part of same shall be sold or used in exchange for bonds of a previous issue at a less price than the full face value thereof with accrued interest.

No bond, nor any part of the proceeds of any bond issued for refunding or renewing bonds of a previous issue, shall be used for any other purpose than that of retiring or renewing such prior bonds.

**189. Attests to bonds—Coupons—Form.**—Sec. 13. All bonds issued by the city shall be signed by the mayor and countersigned by the comptroller, and have thereto affixed the corporate seal of the City of St. Paul, attested by the city clerk.

Coupons issued with any such bond may be authenticated by the engraved signature of the mayor, and countersignature by the comptroller.

Except as otherwise provided by law, the form of bonds issued by the city shall be determined by the Sinking Fund Committee.

**190. Mayor and comptroller to examine securities held by treasurer.**—Sec. 14. It shall be the duty of the mayor and city comptroller, at least once in each three months, to examine all the securities in the city treasury belonging to the city, including those held for the sinking fund, and upon finding all such securities properly in hand to make out and file in the office of the city comptroller their joint certificate to that effect; which certificate shall specify such securities in detail. All such certificates shall be retained by the city comptroller as part of the permanent records of his office.

## TITLE 5.

### Tax Levy Certificates.

**191. Certificates of indebtedness—Council may authorize 80 per cent of tax levy.**—Section 1. As soon as the tax levy for any year has been transmitted to the county auditor, the common council may, by ordinance to be adopted by a vote of two-thirds (2-3) of all the members of each body, cause to be issued and sold from time to time, as money is actually needed for payment of the public expenses, certificates of indebtedness in anticipation of the collection of taxes for any of the funds named in the tax levy; but the total amount of the principal of all such certificates issued in any one year, for any fund, shall not exceed eighty (80) per cent of the amount included in the tax levy of the same year for such fund.

**192. Maturity of certificates—Interest rate—Denominations.**—Sec. 2. No such certificate shall be made to mature at date later than the fifteenth (15th) day of November of the year following that in which the same shall be issued; and the rate of interest shall not exceed six (6) per cent per year, payable semi-annually. The certificates issued for each fund shall constitute a separate series, which shall be consecutively numbered and state upon the face thereof the fund for which the same are issued and the total amount of the tax levy for such fund for the year in which such certificates are issued. The principal of each certificate shall be five hundred (500) dollars, except that the common council may, in the ordinance directing the issue thereof, pro-

vide for a portion of any series, not exceeding one-half ( $\frac{1}{2}$ ) the total principal thereof, to be for sums of one hundred (100) dollars each.

Such certificates may have interest coupons attached, and may be made payable at such place, to be fixed by the common council, as shall seem best calculated to promote their sale.

**193. Principal and interest first charge upon tax receipts.**—Sec. 3. The interest and principal of the said certificates shall be payable solely out of the taxes levied for the fund on whose account such certificates were sold, in the year in which such certificates were sold, and for the corresponding fund in prior years; and the liability of the city on any series of such certificates, or the coupon issued therewith, shall be limited to the faithful and ratable application to payment thereof of the amounts of such taxes which shall be collected and paid into the city treasury, and as the same are received by the treasury; but interest at the rate of six (6) per cent per year shall run upon any unpaid principal thereof, after maturity, until such principal and the interest accruing thereon shall have been fully paid, as herein provided.

The interest and principal of the series of certificates sold, in any year, on account of any fund, shall be a first charge upon the moneys received by the city treasury from the taxes levied for such fund in the year in which such certificates were sold; and no part of such money shall be used for any other purpose until the principal and interest of such series of certificates shall have been fully paid, or the moneys for the payment thereof have been set apart in the city treasury.

**194. Proceeds of sale.**—Sec. 4. No part of the moneys arising from the sale of any such certificate shall be used for any other purpose than that of the fund on account of which such certificates were sold.

**195. Rules governing sale.**—Sec. 5. All sales of such certificates shall be made in such manner, and on such notice, as shall seem calculated to produce the highest and best price therefor, to be from time to time determined by a committee, composed of the mayor, the comptroller, and the treasurer; of which committee the mayor shall be ex-officio president, and the comptroller ex-officio secretary.

No certificate shall be delivered until the price thereof shall have first been paid in full to the city treasurer.

The comptroller shall keep records showing the amounts and dates and rates of interest of all such certificates issued, and the respective dates of the maturity thereof; and all payments upon the principal and interest thereof.

**196. Form of certificates.**—Sec. 6. Such certificates shall be signed by the mayor, and by the city clerk, and have affixed thereto the corporate seal of the city, and be countersigned by the comptroller, and bear date on the day of the issuance thereof.

The same shall be substantially in the following form:

\$500.00.

No. ....

..... Fund, 19..

**Certificate of Indebtedness of the City of Saint Paul, State of Minnesota.**

THIS IS TO CERTIFY, that the City of Saint Paul promises to pay, out of the moneys coming to its treasury from the sources hereinafter mentioned, to ————— or order (or bearer, if so desired) the sum of ————— hundred Dollars (\$ —————), on the ————— day of ————— A. D. 19...., at the office of the treasurer of the said City of Saint Paul, or at the financial agency of said City of Saint Paul in the City of New York, upon the surrender of this certificate of indebtedness, with interest from date at the rate of ————— ( ————— ) per cent per annum, payable semi-annually, out the said moneys coming into its treasury, at the office of the said city treasurer, or at the financial agency of the City of Saint Paul in the City of New York, on the surrender of the annexed coupons.

This certificate of indebtedness is issued in pursuance of the charter of the City of Saint Paul under an ordinance of the common council of said

## TAX LEVY CERTIFICATES

city, approved \_\_\_\_\_ A. D. 19\_\_\_\_, in anticipation of the collection of the taxes levied by said city, in the year 19\_\_\_\_, for a fund to there describe (the particular fund).

The total amount of the tax levied by said city, for said fund, in said year, was \_\_\_\_\_ Dollars (\$ \_\_\_\_\_); and the total amount of the principal of the certificate on indebtedness issuable in anticipation of the collection of such taxes is \_\_\_\_\_ Dollars (\$ \_\_\_\_\_).

The interest and principal of the series of certificates of which this is one are payable only out the moneys in the treasury of said city, coming from said taxes, and from the taxes levied for the corresponding fund, in prior years, as and when received by the said treasury; and the liability of the City of Saint Paul, on the certificates of said series, and upon the coupons there to attached, shall be limited to the faithful and ratable application upon the interest and principal of said series of certificates, of the amount of such taxes which shall be collected and paid into the city treasury, as the same are received by such treasury; but interest at the rate of six (6) per cent per year shall accrue upon any unpaid principal thereof, after maturity, until the said principal, and the interest accruing thereon, shall have been fully paid.

The interest and principal of the certificates of this series shall be a first charge upon the moneys received by the treasury of said city from the taxes levied for the said fund, in the year \_\_\_\_\_; and no part of such moneys shall be used for any other purpose until the principal and interest of all the certificates of the series, including this one, shall have been fully paid, or the moneys for the payment thereof have been set apart in the treasury of said city.

IN WITNESS WHEREOF, the corporate seal of the City of Saint Paul has been herewith affixed, and these presents have been signed by the mayor and the city clerk, and countersigned by the comptroller of said city, on this \_\_\_\_\_ day of \_\_\_\_\_ A. D. 19\_\_\_\_.

(Seal)

\_\_\_\_\_, Mayor.

\_\_\_\_\_, City Clerk.

Countersigned:

\_\_\_\_\_, City Comptroller.

The form of the coupons attached to said certificate shall be substantially as follows:

No. ....

\$.....

### THE CITY OF SAINT PAUL.

will pay to the bearer hereof

\_\_\_\_\_ Dollars (\$ \_\_\_\_\_), on the \_\_\_\_\_ day of \_\_\_\_\_ at the office of the city treasurer of the City of Saint Paul, or at the financial agency of the said City of Saint Paul, in the City of New York, on the surrender hereof; being interest due on certificate of indebtedness of said city \_\_\_\_\_ fund No. \_\_\_\_\_ issued in anticipation of the collection of taxes levied for said fund in the year \_\_\_\_\_. This coupon is payable only out of the moneys in the said city treasury, coming from the said taxes and from the taxes levied for the corresponding fund in prior years, as and when received by the said treasury.

\_\_\_\_\_, Mayor.

\_\_\_\_\_, City Clerk.

\_\_\_\_\_, Comptroller.

**197. Minimum price—Time of sale.**—Sec. 7. No such certificate shall be sold for less than par and accrued interest, or issued after the close of the year in which the tax levy against which the same was issued was made; and no such certificate shall be sold or issued more than four (4) weeks in advance of the actual need of the proceeds for payment of orders drawn in the mode prescribed by this charter upon the fund to which such proceeds will belong.

**198. Surplus moneys may be invested.**—Sec. 8. The common council may, by joint resolution passed by a three-fourths ( $\frac{3}{4}$ ) vote of all the members of each body, temporarily invest the surplus of any moneys in the treasury belonging to any fund in the purchase of certificates of the kind aforesaid issued on account of another fund; and any such certificate so purchased shall be held, collected and paid for the sole use and benefit of the fund to which the purchase money thereof belonged.

## TITLE 6.

### The Custody of the Public Moneys and Securities.

**199. Treasurer as custodian—Bank deposits—Other loans prohibited.**—Section 1. The city treasurer shall be the custodian of all moneys, and also of all promissory notes, checks, and other commercial instruments for the payment of moneys belonging to the city, or to the said school district; and he shall retain the same until they shall have been disposed of in accordance with law.

No moneys or securities belonging to the city, or to the said school district, shall ever be loaned in any manner, save as the deposit of said money in banks, or the temporary investment of the same in the modes provided in this charter, may have the legal effect of a loan thereof.

**200. City depositories—Regulations—Bonds.**—Sec. 2. The city treasurer shall daily deposit to the credit of the city, subject to payment on demand, all moneys or funds belonging to the city or to said school district then in his hands in such incorporated banks in the City of Saint Paul, national and state, as shall be determined upon and designated by a committee to be styled Committee on Bank Deposits. Such committee shall be composed of the mayor, comptroller and treasurer, who are hereby charged with the duty of designating such banks with reference to their financial strength and safety; and no bank shall be designated which has been re-organized upon the basis of an extension of time for the payment of its deposits or any other of its obligations until after such deposits and other obligations have been paid in full. Said committee shall fix the maximum amount to be so deposited in any one bank, which shall not exceed one-third ( $\frac{1}{3}$ ) the amount of its full paid and unimpaired capital stock and surplus. The said committee may direct the treasurer, from time to time, in what bank or banks to make deposit, and to what amount or amounts within the limits aforesaid, and from what bank to withdraw moneys required to meet the obligations of the city; and all checks for such withdrawals shall be signed by the treasurer and countersigned by the comptroller.

Before any moneys are deposited in any bank by the city treasurer such bank shall execute to the City of Saint Paul its bond, payable to the City of Saint Paul and signed by not less than five (5) freeholders of the city, or by one or more surety companies duly authorized by the laws of this state to do business therein, as sureties, which bond shall be in a penal sum of at least double the maximum amount of the moneys of the city, or of said school district, or of both, at any one time on deposit in such bank, and be conditioned for the repayment to the city, on demand, of all moneys deposited with such bank for the city, or for said school district, or for both.

All such bonds and the sureties thereon shall be subject to the approval of the committee on bank deposits, which, before approving any such bond and securities, shall be satisfied that the financial responsibility of such sureties in the aggregate, at least equals the penal sum named in such bond. A stockholder in any bank giving such bond shall not be accepted as a surety thereon unless the said committee shall be satisfied, upon full investigation, that his personal responsibility could not be affected by the failure of such bank.

All bonds given as aforesaid to secure deposits shall be renewed whenever requested by the committee on bank deposits, and in every case at least once in each twelve months; and if at any time any surety upon such bond

should, in the opinion of the committee, become insufficient for the responsibility so assumed by him, it shall be the duty of the said committee to immediately call for, and of the bank which has given such bond, to furnish a new bond sufficient and satisfactory to said committee.

In event of the default by any bank, in the condition of any such bond, it shall be the duty of the city comptroller to forthwith notify the law department of the city, and thereupon it shall be the duty of said law department to at once enforce the liability upon such bond of the sureties by appropriate legal proceedings. Every such bond shall secure the repayment of all moneys belonging to the city, or to said school district, on deposit in the bank giving such bond, at the time of the approval thereof by the committee on bank deposits, or which shall be deposited in such bank at any time thereafter until such bond shall have been duly superseded by another bond, as in this section provided.

**201. Withdrawals from depositories.**—Sec. 3. The said committee shall, whenever in its judgment the greater security of the city's moneys require it, direct the treasurer to withdraw money from any such bank and deposit it in another bank, subject to the limitations aforesaid, and the treasurer shall comply at once with all directions and instructions of the committee given in pursuance hereof.

The mayor shall be chairman of such committee, and the comptroller the secretary thereof; and the secretary shall keep a full and complete record of the proceedings of the committee and shall attest the record of the proceedings of each meeting thereof by his signature. The committee shall meet at the call of the chairman at the time and place designated by him.

Whenever the treasurer shall make a deposit in any one of such banks the latter shall forthwith transmit to the city comptroller a duplicate deposit slip thereof signed by an officer of the bank or one of its tellers; and the treasurer shall forthwith deliver to the city comptroller an itemized statement of the sources from which the moneys so deposited were received; and it shall be the duty of the comptroller to so keep the accounts of his office as to show the amount belonging to each fund on deposit, and the bank or banks holding the same, with the proportion in each.

**202. Interest on daily balances—Liability of treasurer.**—Sec. 4. The said committee may make, in behalf of the city, such agreement with the banks so designated, or any of them, for the payment by them of interest on daily balances as, in its judgment, may be for the best advantage of the city, the safety of the deposit being first considered.

The treasurer faithfully discharging all the duties imposed upon him by this Title, free from fault or negligence, shall not be further responsible for the safekeeping of the moneys so deposited before they shall be withdrawn.

**203. Interest on deposits.**—Sec. 5. All interest, or other form of gain or advantage, accruing from the deposit in banks of the public moneys, shall accrue to the city, for the benefit of the general fund; and the acceptance or receipt by any officer of the city, or by any member of the common council or administrative board of the city, or by any employe of any department, of any interest, or other gain or advantage from any such deposit, shall be malfeasance in office by such recipient.

**204. Bank statements, publication of.**—Sec. 6. A statement of the balance, at the close of business on each alternate Friday, of the public moneys deposited in the several banks, giving separately the amount deposited in each bank, shall be published by the comptroller on the next day, in the official paper of the city.

**205. Surety bonds, deeds, etc.**—Sec. 7. The comptroller shall be the custodian of all official and other surety bonds, and of all deeds, insurance policies and other contracts and agreements, save those of the kinds named in section one of this Title, or such others as may be otherwise provided in this charter, belonging to the city, or to the said school district.

**206. Record of same.**—Sec. 8. The comptroller shall at all times keep a full and complete record of all deeds, bonds, insurance policies, contracts, agreements, and other instruments of a similar nature, in his custody, belonging to the city, or to the said school district, showing the disposition if any, thereof; and also a full and complete record of all securities of the kinds named in section one of this Title, coming to the hands of the treasurer, showing the disposition, if any, thereof.

Sec. 9. The treasurer shall keep a full and complete record of all securities, of all the kinds named in section one of this Title, coming to his hands, showing the disposition, if any, thereof. Whenever any instrument of either of said kinds shall be delivered to him, he shall give to the person delivering the same a receipt therefor, similar in form as that required by Title 1 of this chapter to be given in cases of payment of moneys to him.

## TITLE 7.

### The Conference Committee.

**207. Conference committee—Members of.**—Section 1. It is hereby made the duty of the following officers, namely: The mayor, the president of the assembly, the chairman of the committee on ways and means of the board of aldermen, the president of the board of school inspectors, the president of the board of water commissioners, the president of the board of fire commissioners, the president of the board of public works, the president of the board of police commissioners, the city comptroller, the treasurer of said city, the commissioner of public works, the chairman of the board of control, and the president of the park board, to meet for conference and consultation relative to the welfare and financial affairs of said city, as hereinafter provided.

The mayor shall be chairman and the city clerk secretary of said conference committee, and a correct and full record of its proceedings shall be kept, and the city clerk shall file and carefully preserve in his office the reports of the members of said committee made and furnished, as herein provided. The corporation counsel shall attend the meetings of said committee, and aid it, as he may from time to time be requested, in its conference and investigations.

**208. Meetings.**—Sec. 2. Said conference committee shall hold its meetings at the council chambers of said city, and meet as often as once each month, and all its meetings, proceedings and records shall be public.

The conference committee may make and adopt such rules and by-laws for its government, not in conflict with this charter and the laws of this state, as it may deem advisable.

**209. County officers who may participate.**—Sec. 3. Said committee shall request and permit the county auditor and county treasurer, and the county commissioner of said county, oldest in service, to participate in its deliberations; but said county officers shall have no vote upon any pending proposition.

**210. Reports required monthly.**—Sec. 4. The members of said committee, at said monthly meetings, shall consult and advise together relative to the care, supervision and economical management of each and all of the affairs, duties and expenses of each department of said city, and those of said board of school inspectors, and to that end, and in aid thereof, the several members of said committee named below shall report, in writing, to said committee at each monthly meeting thereof, relative to the operations of their departments, as follows:

**211. Report of president of assembly.**—The president of the assembly shall report the amount of expenditures or indebtedness authorized by the common council within the fiscal year up to the close of the last prior month.

First—For work ordered, requiring an assessment to be made.

Second—For lighting said city, including a synopsis of any and all contracts then in force for lighting said city in whole or in part.

Third—For maintenance of the court house and city hall.

Fourth—For all other purposes, except those in reference to which it is hereinafter provided reports shall be made by the presidents or chairmen of the several city boards, and stating such purposes separately.

**212. Report of president of park board.**—The president of the park board shall report:

First—An itemized list of all contracts unperformed in whole or in part, previously let for said department, giving in a general way the purpose of each, and stating the amount of expenditure which the same will require.

Second—A classified statement of all expenses of said department, other than for labor and services, within the fiscal year, up to the close of the last prior month.

Third—The number of employes of said department of all kinds at the date of such report, giving the rate of compensation of each.

Fourth—The total expenditures of said department, for labor and services within the fiscal year, up to the close of the last prior month.

**213. Report of president of water board.**—The president of the board of water commissioners shall report:

First—An itemized list of all contracts unperformed, in whole or in part, previously made by his board, specifying in a general way the purpose of each, and stating the amount of expenditure that each will require.

Second—A classified statement of all expenses of the water supply department, other than for labor and services, within the fiscal year, up to the close of the last prior month.

Third—The number of employes of said department, of all kinds, at the date of making such report, giving the rate of compensation of each.

Fourth—The total expenditures of the said department for labor and services within the fiscal year, up to the close of the last prior month.

Fifth—The amount of the revenues of the water supply department collected within the fiscal year, up to the close of the last prior month.

Sixth—The amount of the revenues of the water supply department, previously due, and delinquent at the close of the last prior month.

**214. Report of president of fire board.**—The president of the board of fire commissioners shall report:

First—An itemized list of all contracts unperformed, in whole or in part, previously let for said department, giving in a general way, the purpose of each, and stating the amount of expenditures which the same will require.

Second—A classified statement of all expenses of the said department, other than for labor and services, within the fiscal year, up to the close of the last prior month.

Third—The number of employes of said department of all kinds, at the date of such report, giving the rate of compensation of each.

Fourth—The total expenditures of said department for labor and services, within the fiscal year, up to the close of the last prior month.

**215. Report of president of school board.**—The president of the board of school inspectors shall report:

First—An itemized list of all contracts, other than for labor and services unperformed in whole or in part, previously made by the said board, specifying in a general way the purpose of each, and stating the amount of expenditure that each will require.

Second—A classified statement of all expenses of the public schools, within the fiscal year, up to the close of the last prior month.

Third—The number of employes of said board, of all kinds, at the date of making such report, giving the rate of compensation of each.

Fourth—The total expenditures of said board, for labor and services, within the fiscal year, up to the close of the last prior month.



Fifth—A list of pupils in the public schools of the city, who reside outside the city; the tuition fee charged against each, and the payments made on account of such fees.

Sixth—The average attendance during the then last preceding month, of pupils in the public schools of said city.

The matters reported as aforesaid, shall as far as practicable, be distributed to the several schools maintained during the period covered by the report, giving the name of each school.

**216. Report of commissioner of public works.**—The commissioner of public works shall report:

First—A classified statement of all expenses other than for labor and services, chargeable to the fund for maintaining, repairing and cleaning the streets, sidewalks and sewers, and the collection and disposal of garbage and other waste matter, incurred within the fiscal year, up to the close of the last prior month.

Second—The number of employes whose compensation was chargeable against the said fund, employed during the last prior month, giving the rate and total pay of each.

Third—The total expenditure for labor and services, chargeable against said fund, incurred during the fiscal year, up to the close of the last preceding month.

Fourth—A classified statement of all expenses, other than for labor and services, chargeable to the fund, for maintaining the department of the commissioner of public works, incurred within the fiscal year, up to the close of the last prior month.

Fifth—The number of employes whose compensation was chargeable to the last mentioned fund, employed during the last preceding month, giving the rate and total pay of each.

Sixth—The total expenditure for labor and services chargeable against the last mentioned fund, incurred during the fiscal year, up to the close of the last prior month.

Seventh—A classified statement of all expenses, other than for labor and services, chargeable to the fund for maintaining and repairing bridges, incurred within the fiscal year, up to the close of the last prior month.

Eighth—The number of employes whose compensation was chargeable against the last mentioned fund, employed during the last prior month giving the rate and total pay of each.

Ninth—The total expenditure for labor and services, chargeable against the last mentioned fund, incurred during the fiscal year, up to the close of the last prior month.

As far as practicable, the said report shall distribute all expenses, to the particular street, sewer and bridge for which the same were incurred, and if inspectors or superintending officers are employed, the place and nature of the services of each, and the number of men under their supervision shall be stated.

The rate and total pay for each team employed upon the work chargeable to either of said funds, and also the number of hours constituting a day's work, for each team and employe, shall appear in said report.

Tenth—A statement of all expenses other than for labor and services, chargeable to the fund for street sprinkling incurred within the fiscal year, up to the close of the last prior month.

Eleventh—The total expenditure for labor and services, chargeable against the last mentioned fund, incurred during the fiscal year, up to the close of the last prior month.

**217. Report of president of board of public works.**—The president of the board of public works shall report:

First—An itemized list of all contracts for work to be paid for by special assessment, let within the fiscal year, up to the close of the last prior month.

Second—A statement of the amount of each special assessment transmitted to the city comptroller for collection within the fiscal year, up to the close

of the last prior month, giving the date of the letting of the contract, the date of confirmation of the assessment, and date of transmission to the comptroller, in each case.

Third—An itemized statement of all estimates allowed by said board upon all contracts to be paid by special assessments within the year, up to the close of the last prior month.

Fourth—An itemized list of all contracts for work to be paid for by special assessments, let prior to the current fiscal year, unperformed in whole or in part, and the estimate allowed upon the same up to the close of the last prior month.

Fifth—A classified statement of all expenses of said board, other than for labor and services, within the fiscal year, up to the close of the last prior month.

Sixth—The number of employes of said board, of all kinds, during the last prior month, giving the rate and total pay of each.

Seventh—A classified statement of the total expenditures of the said board, for services within the fiscal year, up to the close of the last prior month.

**218. Report of president of police board.**—The president of the board of police commissioners shall report:

First—The name of each member of the police force of whatever grade or rank, and whatever class of service, employed by the city during the last preceding month with the rate of pay received by him and his total pay during the month.

Second—The total expenditures of the police department for wages and salaries during the fiscal year up to the close of the last prior month.

Third—The total expenditures of the police department other than for wages and salaries, during the fiscal year up to the close of the last prior month.

**219. Report of comptroller.**—The city comptroller shall report:

First—The amount of the annual appropriation by the common council for each of the several funds.

Second—The amount of the annual tax levy for each of said funds.

Third—The amount of revenue from sources other than taxation of property, assigned by the common council to each fund.

Fourth—The amount of tax levy certificates sold on account of each fund within the fiscal year, up to the close of the last prior month.

Fifth—The balance of cash standing to the credit of each separate fund, at the close of the last prior month.

Sixth—An itemized statement of the interest bearing debt of the city, with the total annual interest thereon.

Seventh—An itemized statement of all claims against the city, or against the independent school district, of the city of St. Paul, other than upon contracts payable out of special assessments, pending before the comptroller for audit and settlement.

Eighth—An itemized statement of the amounts of all special assessments, collected during the last prior month, and of the amounts thereof remaining uncollected at the end of said month.

Ninth—An itemized statement of all claims against the city upon contracts payable from special assessments pending before the comptroller for audit during the last prior month; the number and amount of such claims audited during said month; the number and amount of such claims paid during said month; the number and amount of such claims at any previous time audited, and remaining unpaid at the end of said month, and the number and amount of such claims pending before the comptroller for audit and settlement at the end of said month.

Tenth—The aggregate amount of money paid out by the city treasurer, during the fiscal year, up to the close of the last prior month, on account of each separate fund, other than those arising from special assessments.

Eleventh—If required by the conference committee, the name of each

employee of the city, or of said school district, other than day laborers, and other than such employes as this title requires to be reported by some other member of the conference committee, and the rate of compensation to which such employe is entitled. The authority by which such rate of pay has been fixed, shall, in each instance, be noted opposite the name of such employe.

**220. Report of chairman of board of control.**—The chairman of the board of control shall report.

First—The number of different persons aided within the fiscal year, up to the close of the last prior month; the number of orders for aid issued by said board within said period, and the amount of such aid given to each person, stating the figures for each month separately.

Second—The names of all persons, firms or corporations, from whom supplies have been purchased, or ordered by his board, within the fiscal year, up to the close of the last prior month; and the amount purchased or ordered from each firm or person, and the prices paid, stating the figures for each month separately.

Third—A classified statement of all expenditures by said board, other than for services, within the fiscal year, up to the close of the last prior month.

Fourth—The number of employes of said board, of all kinds, during the last prior month, giving the rate and total compensation of each.

Fifth—The total expenditures of said board, for services, within the fiscal year, up to the close of the last prior month.

**221. Report of treasurer.**—The city treasurer shall report:

First—The aggregate amount of money received by him during the then fiscal year from each of the following sources, stated separately:

From the county treasurer;

From liquor licenses;

From all other licenses;

From clerk of the municipal court;

From all other sources exclusive of local assessments.

Second—The aggregate amount of money paid out by him during the then fiscal year in behalf of or for the benefit of each particular department of said city, including said board of school inspectors, stating the amount for each department separately, as those departments are specified in the last estimate and tax levy.

Third—The names of the respective depositories in which public funds were on deposit during the last preceding month, and the balance remaining in each depository on the last day of the preceding month.

Fourth—The name and amount of each assessment warrant received by him since the first of the preceding January, and the date when each was received and the amount of cash received on each of said warrants, and the amount paid out by him on account of the work named in each of said warrants respectively.

**222. Additional information may be required.**—Sec. 5. Said conference committee shall have power and authority, at any meeting, by resolution to require any officer or employe of said city, or said school district, to furnish under oath any additional report or information said committee may desire relating to the business of said city or said school district; and it shall be the duty of such officer or employe, when so requested, to furnish the information called for, and in the manner, form and by the date specified in said resolution.

**223. Order of business.**—Sec. 6. The order of business of said conference committee at its meeting shall be as follows:

First—Calling the roll.

Second—Reading the minutes of the last meeting.

Third—Reading the reports herein prescribed.

Fourth—Such other order of business as the conference committee may direct in aid of the purpose of its work.

**224. Disqualification of members.**—Sec. 7. Any member of said committee who is absent from its meetings for two successive sessions, or who shall fail for two successive sessions to make the monthly report herein directed, shall thereby be held, without other act or proceeding, to have resigned his office and the duties thereof, and shall thereby be disqualified to hold any public office in said city for the period of one year next thereafter, and his successor shall be appointed as prescribed by the charter in case of resignation. Said committee shall have no power, and no power shall exist to excuse any officer from making the monthly report herein prescribed and directed.

**225. Regulations affecting department expenditures**—Sec. 8. Whenever, in the opinion of said conference committee, any officer, board or department of said city, or of said school district, is not observing economical management of his or its official business, and has, in the opinion of said committee, during the then fiscal year, made or incurred such amount of expenses that said officer, board or department, or said board of school inspectors will not be able to go through the then fiscal year without an expenditure exceeding the amount of money which will be available for such expenditure, under the provisions of law or of this charter, then said conference committee shall immediately, by resolution, so advise said officer or department, or said board of school inspectors, and thereafter said officer or department or the said board of school inspectors shall have no power or authority to create any additional indebtedness or expenses, save after the approval of four-fifths (4-5) of said committee, which approval shall be evidenced by a resolution adopted at a meeting of said committee and entered upon its records. Said resolution of approval shall not be construed as granting any officer, board or department of said city, or said board of school inspectors any power or authority not granted by existing laws, or by this charter. Said committee is also authorized and directed, from time to time, to give any officer or board of said city, or said board of school inspectors, such caution and advice as, in its opinion, the welfare and economical management of the affairs of said city or said school district demand.

## CHAPTER VI.

## Department of Public works.

## TITLE I.

## Board of Public Works.

**226. How constituted—Qualifications of members.**—Section 1. There is hereby established an executive department of the municipal government of the City of St. Paul, to be known as "The Board of Public Works of the City of St. Paul," to be constituted and organized as hereinafter provided.

Sec. 2. The board of public works of the City of St. Paul shall consist of three (3) freeholders and qualified electors of said city, none of whom shall hold any other office under the charter or ordinances of said city. Provided, however, that the members of said board in office at the time this charter goes into effect shall serve their respective terms, and said board shall consist of four members until the second Monday in March, 1901, but shall have no powers or duties except as provided in this charter.

**227. Term—Oath of office.**—Sec. 3. On the second Monday in March, 1901, the mayor of said city shall appoint one (1) member of said board for the term of one (1) year, and on the second Monday in March, 1902, said mayor shall appoint three members of said board, one (1) for the term of one (1) year, one (1) for the term of two (2) years and one (1) for the term of three (3) years, and annually thereafter, on the second Monday in March, said mayor shall appoint one member of said board for the term of three (3) years, and until his successor is elected and qualified.

Sec. 4. Each member of said board shall, before entering upon the discharge of his duties, take and subscribe an oath to faithfully and impartially perform the duties of his office to the best of his ability. The said oath shall be filed in the office of the city comptroller.

**228. Relating to contracts, etc.**—Sec. 5. No member of the board of public works, nor officer or clerk in their employ, shall be interested, either directly or indirectly, in any contract made and entered into by said board of public works for any work or for any materials to be furnished therefor; and all contracts made with said board, in which any member or officer (of said board) shall be so interested, shall, at the option of the city, be declared utterly void and of no binding effect whatever; and any member or officer of said board interested in any contract shall thereby forfeit his office and be removed therefrom on proof of such delinquency; and it is hereby made the duty of each member of said board of public works and of the mayor and every officer of said city to report to the common council any such delinquency when discovered. Any member, officer or clerk of said board who shall be interested, directly or indirectly, in any such contract or contracts aforesaid, and any contractor or other person who shall take any such contract or contracts with knowledge of such interest of such member, officer or clerk of said board in said contract or contracts, or who shall corruptly influence or attempt to influence the action of any member, officer or clerk of said board in the letting or making or entering into any contract, or in the performance of any official duty of such member, officer or clerk shall be guilty of a misdemeanor and liable, on indictment and conviction thereof, to be punished by imprisonment for a period not exceeding six (6) months or a fine not exceeding one thousand dollars (\$1,000), or both such imprisonment and fine in the discretion of the court.

**229. President, clerk, rules, etc.**—Sec. 6. Said board shall annually elect one of their number president, and they shall have the power to establish by-laws, rules and regulations for their government and the officers and employes thereof. They shall appoint a clerk of said board, whose term of office

shall be at the pleasure of said board, and whose duty it shall be to keep the records and papers thereof, and he shall record their proceedings, and perform such other duties as may be assigned to him by said board. Before entering upon the discharge of his duties he shall take and subscribe an oath that he will faithfully execute his duties to the best of his ability; he shall also execute a bond to the City of St. Paul, with sureties, in such sum and upon such conditions as may be approved by said board, which bond shall be filed with the city comptroller. He shall receive such salary as the board of public works shall determine, and as shall be approved by the common council.

## TITLE 2.

### Commissioner of Public Works.

**230. Term—Qualifications.**—Section 1. On the second Tuesday in March, 1902, and each three (3) years thereafter, the mayor shall appoint a qualified elector of said city, who shall have been for at least five (5) years a duly qualified civil engineer, to be commissioner of public works. The term of said commissioner shall be three (3) years, and until his successor is elected and qualified. Before entering upon the discharge of his duties, the said commissioner shall take and subscribe an oath that he will faithfully and impartially perform his duties to the best of his ability, and he shall also execute a bond to the City of St. Paul, with such sureties and in such sum and upon such conditions as shall be approved by the common council, which oath and bond shall be filed with the city comptroller.

The city engineer in office at the time this charter takes effect shall perform all of the duties of commissioner of public works until the appointment of a commissioner by the mayor as aforesaid. If the said city engineer shall vacate his office, for any cause, before the second Tuesday in March, 1902, then the mayor shall appoint some person, with the qualifications in this charter prescribed for the commissioner of public works to serve in place of said city engineer until the appointment of a commissioner as aforesaid. The said city engineer, or any person appointed in his place, to serve until the second Tuesday in March, 1902, shall perform all of the duties, and be vested with all of the powers imposed on the commissioner of public works by the provisions of this charter.

**231. Assistants and employes.**—Sec. 2. The said commissioner of public works shall appoint a first assistant commissioner, who shall be a duly qualified civil engineer, and such other assistants and employes as may be necessary to enable him to perform the duties imposed upon the commissioner of public works by the provisions of this charter; all of whom shall hold their respective offices and employment at the pleasure of said commissioner. The compensation of all assistants, except the said first assistant, shall be fixed by the commissioner, with the consent of the common council.

**232. Duties of commissioner.**—Sec. 3. The commissioner of public works shall have general charge of and shall perform all the engineering work required by the city in each of its departments, but neither the said commissioner, nor his assistants or clerks, or other employes, shall perform any other services except those connected with their official duties or employment. Said commissioner shall keep a full official record of all work in his office, which record shall belong to the city.

The said commissioner shall have charge of all public works in said city, and shall be charged with the construction, control and supervision of all sidewalks, streets, lanes, pathways, bridges, alleys, public levees and sewers, and it is hereby made the duty of said commissioner at all times to have and to keep all the sidewalks, streets, lanes, pathways, bridges, alleys and public levees in a cleanly condition, passable and safe for public use and travel; and said commissioner shall also have charge of the sewerage system of the city,

and shall employ and have full charge of the street and sewer force, but the common council shall fix the rate of compensation to be paid therefor.

**233. Building inspector.** Sec. 4. The said commissioner of public works shall be ex-officio building inspector, and as such shall perform all the duties and possess all the powers imposed and conferred by law, and by this charter and the ordinances of said city upon such building inspector. Provided, however, that the building inspector in office at the time this charter takes effect shall be continued in office as building inspector until the expiration of the term for which he was appointed and until such time shall have charge and control of the erection and inspection of buildings, and perform all the duties imposed upon the building inspector by law, by this charter and the ordinances of said city. The said building inspector may, until the expiration of his term, employ such assistants and clerks as are necessary to enable him to perform the duties of his office. Such assistants and clerks shall serve at the pleasure of said inspector, and he may fix their compensation. If the building inspector in office at the time this charter goes into effect should fail for any cause to serve out the term for which he was elected, then upon his so vacating his office, no successor shall be appointed, but the commissioner of public works shall forthwith assume and thereafter perform all of the duties devolving upon the building inspector.

### TITLE 3.

#### Local Improvements and Special Assessments.

**234. General powers of city.**—Section 1. The municipal corporation of the City of St. Paul is hereby authorized and empowered to condemn land for public parks, public markets, for the opening, widening and extending, altering and straightening of any street, levee, lane, alley or highway, and to condemn an easement in land across, over, or under the property of corporations, for streets, bridges, approaches, culverts, viaducts, ditches and for any and all other public improvements, and to condemn an easement in land for the construction of slopes, or retaining walls for cuts and fills upon real property abutting on any street, levee, lane, alley or highway now ordered or such as shall hereafter be ordered to be opened, extended, altered, straightened or graded, and for changes of grade in any street, levee, lane, alley or highways, and to abate nuisances, and to drain swamps, marshes and ponds and to fill the same in said city, and to levy assessments for all the improvements mentioned above, and for such other local improvements as may be ordered by said municipal corporation upon property to be benefited by such improvements without regard to cash valuation. The provisions of this section shall apply to any and all improvements heretofore ordered, as well as to those that shall be hereafter ordered.

**235. Improvements subject to assessment.**—Sec. 2. Such assessments may be made by said City of St. Paul for grading, filling, leveling, paving, curbing, walling, bridging, graveling, macadamizing, planking, opening, extending, widening, contracting, altering and straightening any streets, levee, lane, alley or highway, and for a change of grade in any of the same, and also for the condemnation of land for public parks, public markets, and for an easement in land across, over or under the property of corporations for streets, bridges, approaches, culverts, viaducts, ditches and for any and all other public improvements, and for an easement in land for the construction of slopes and retaining walls for cuts and fills in any street, levee, lane, alley or highway, which has heretofore been, or shall hereafter be ordered to be opened, extended, widened, altered or straightened, and for a change of grade in any of the same, and also for keeping the same in repair, also for filling, grading, protecting, improving and ornamenting any public park, square or grounds, now or hereafter laid out, also for planting and protecting shade and ornamental trees, also to abate nuisances, and to drain swamps, marshes and ponds, and to fill the same, also for constructing, laying and repairing cross-

walks and sidewalks, retaining walls, area walls, gutters, sewers and primary drains, and enlarging all of the same, and also for the abatement of any and all public nuisances within the limits of said city. "And the City of St. Paul is hereby authorized and empowered to change the grade of any street and condemn and take an easement in the land abutting on said street for the construction of slopes and fills in the grading of said street to the grade as so changed as one (1) improvement and under one (1) and the same proceeding."

**236. Cost paid by assessment.—Exceptions.**—Sec. 3. The expenses of any improvements mentioned in the foregoing section shall be defrayed, save as herein otherwise provided, by an assessment upon the real estate benefited thereby to be levied in the manner hereinafter prescribed; provided, that the construction, reconstruction or maintenance of cross footwalks over public streets, lanes or alleys and sidewalks adjacent to public squares, public grounds and public parks shall be paid out of the general fund of said city; and that all or any part of the expense of improving or ornamenting public grounds, squares and parks, and the paving, repaving, macadamizing and grading of the space occupied by street intersections may, if the common council of said city deem it expedient, be paid out of the general fund of said city.

**237. Assessments, how made.**—Sec. 4. All assessments for local improvements aforesaid, as provided in this chapter, shall be made by the board of public works of the City of St. Paul, except as may be herein otherwise provided.

**238. Improvements—How ordered—Board of public works and common council—Petitions.**—Sec. 5. All applications or propositions for any improvement mentioned in this title, except public parks and parkways, shall be made to or emanate from the common council of said city, and shall be first referred to the board of public works by said common council, and in making such reference the common council shall specify what portion, if any, of the said improvement shall be paid for out of the general fund; provided, that any such application made to said council shall be in writing and said council shall not be required to proceed further with any such application, by reference to the board of public works, or otherwise, unless the said council is satisfied that the owners of at least one-half (½) of the property fronting and abutting upon the line of said proposed improvement resident within Ramsey county has subscribed to such applications. Upon such references said board shall then proceed to investigate the same, and if it shall determine that such improvement is necessary and proper, it shall report such determination to the common council, accompanied with (save in the case of sidewalks) an estimate of the expense thereof and a plan or profile of the contemplated improvement and a proper order directing the work to be done. Provided further, that it shall not be competent for said common council to order any improvement made against the report of said board when the board has assigned as a reason for their adverse report that property cannot be found benefited to the extent of the damages, costs and expenses necessary to be incurred thereby, except that portion to be paid for out of the general fund. In case said board shall report in favor of said improvement, or of a modification thereof, and that the same is necessary and proper, and that property can be found benefited to the extent of the damages, costs and expenses necessary to be incurred thereby, except that portion to be paid for out of the general fund, the common council may, in its discretion, unless otherwise provided for in this chapter, by a two thirds (2/3) vote of the whole number of each body, order the doing of said work or the making of said public improvement reported as aforesaid. Provided, further, that such modification shall not materially change the character and object of the improvement so referred to said board by said council or materially increase the expense thereof. And, provided further, that the common council shall in no case order the doing of any such work, or the making of any such improvement, unless, in their opinion, real estate to be assessed for such work or



improvement can be found benefited to the extent of the damages, cost and expenses necessary to be incurred thereby, except that portion to be paid for out of the general fund. Two (2) or more improvements upon one or more streets, either of grading, sewerage or paving, or either or any of them, may be done at the same time under one order and may be included in one contract. Before any final order is made under this section, the members of the body of the common council acting on same, save in the case of sidewalks shall examine the general plans or profiles therefor and the presiding officer shall indorse said plans or profiles and make declaration of such indorsement of said body. No crosswalks shall be laid until the same have been referred to said board and said board have reported in favor thereof. Provided, however, that no improvement in the nature of grading of streets or laying of new sidewalks, shall be ordered until at least one-third (1-3) of the owners of the property fronting thereon, according to the transfer books in the office of the county auditor, at the date of the preliminary order, shall have petitioned therefor in writing. Said petition shall state the residence of each petitioner and shall be prima facie evidence thereof. Said board shall report whether the required proportion of such owners have so petitioned, and their report shall be prima facie evidence of the facts therein stated.

**239. Hearings on improvements—Notice.**—Sec. 6. Whenever a preliminary order shall have been passed by the common council referring to the board of public works, the making of any local improvement for which an assessment is to be made, it shall be the duty of the board of public works, upon the receipt of such preliminary order from the common council, to fix a time and place when and where all persons interested in the making of such improvement may appear before said board and be heard, and said board shall, at least ten (10) days prior to such hearing cause a notice of the time and place thereof to be mailed to the owner or agent of or for each lot or parcel of land abutting on the line of such proposed improvement, as the name of such owner or agent appears in the books in the office of the city treasurer of the City of St. Paul. If said board of public works shall fail to give or cause to be given such notice, such failure shall not invalidate any of the proceedings relating to the making of such improvements, or of any assessment therefor, but if such failure be willful on the part of said board, it shall constitute misconduct in office, and be ground for the removal of any member of such board participating in such misconduct, by a two-thirds (2-3) vote of all members elect of the common council.

**240. Assessment district—Assessment—Errors.**—Sec. 7. After a contract for the making of any public improvement for which an assessment is required to be made under the provisions of this charter shall have been awarded and before the same is executed, and becomes operative the board of public works shall determine the district within which property will be specially benefited by said improvement and shall compute the total valuation of all of the property within said district subject to assessment for such improvement according to the last assessed valuation of such property for purposes of general taxation; and said board shall also compute the cost of making such improvement together with the cost of the proceedings for the collection of the assessment therefor. If such cost shall exceed twenty-five per cent of such total assessed valuation the said board shall then certify the amount of such excess to the common council. The common council shall thereupon be authorized either to make provision for the payment of the amount of such excess out of the general fund of said city or to cancel all proceedings therefor had or taken relating to the making of such improvement. If the common council shall direct the payment of such excess out of the general fund as aforesaid, then the board of public works shall proceed to assess the balance of the cost of the making of such improvement, together with the cost of collecting the assessment therefor as provided by this charter. Every award of a contract for any such improvement shall be deemed to be made subject to the right of the common council to cancel all proceedings in the manner aforesaid. No error on the part of the board of public works or of

any officer of said city in computing the assessed valuation of property or the cost of making any such improvement for the purposes aforesaid shall in any way affect the validity of any of the proceedings relating to the making of any such improvement or the levying and collection of the assessment therefor.

**241. Condemnation proceedings.**—Sec. 8. Whenever any order is passed by the common council by virtue hereof, for the making of any public improvement (mentioned in this title, save as herein otherwise provided), which shall require the appropriation or condemnation of any land or real estate, the said board of public works shall, as soon as practicable, proceed to ascertain and assess the damages and recompense the owners of such land respectively, and at the same time to determine what real estate will be benefited by such improvement and assess the damages, together with the costs of the proceedings on the real estate by them deemed benefited, in proportion, as nearly as may be, to the benefit resulting to each separate lot or parcel thereof.

**242. Notice of assessment—Hearings.**—Sec. 9. The said board of public works shall then give fifteen (15) days' notice by one (1) publication in the official newspaper of the city, of the time and place of their meeting, for the purpose of making said assessment, in which notice they shall specify what such assessment is to be for, and they shall describe the land to be condemned as near as may be done by general description, and all persons interested in any such improvement shall have the right to be present and be heard, either in person or by counsel, and the city attorney as counsel for the City of St. Paul, shall be permitted to appear before them at such hearing to represent the interests of said city. The said board shall view the premises to be condemned, and receive any legal evidence that may be offered for the purpose of proving the true value thereof, or the damages that will be sustained, or benefits conferred by reason of the contemplated improvement; and the said board for this purpose are hereby authorized to administer oaths to all witnesses produced before them, and they may adjourn from time to time, and place to place, until such assessment is completed, and said board shall have authority to send for persons and papers and to compel the attendance of witnesses, and shall have authority to issue subpoenas under the seal of the board.

**243. Damages—How awarded—Interest—Consummation of condemnation.**—Sec. 10. The said board of public works, in making said assessment, shall determine and appraise to the owner or owners the value of the real estate appropriated for the improvements, and the damages arising to them respectively from the condemnation thereof, which shall be awarded to such owners respectively, as damages, after making due allowance therefrom for any benefit which such owners may respectively derive from such improvements.

And said sum, so awarded as damages, shall bear interest at the rate of seven (7) per cent per annum from and after the date of the confirmation of the assessment therefor as hereinafter provided for until paid. The condemnation, taking and appropriation of any real property or an easement therein for any improvement shall be deemed to be done and fully consummated upon the confirmation by said board of the assessment of damages and benefits therefor.

**244. Damages in excess of benefits.**—Sec. 11. If the damage to any person be greater than the benefit received, or if the benefit be greater than the damage, in either case the said board of public works shall strike a balance and carry the difference forward to another column, so that the assessment may show what amount is to be received or paid by such owners respectively, and the difference only shall in any case be collectible of them or paid to them.

**245. Land donations—Discretion of board.**—Sec. 12. In the assessment of damages and benefits for the opening of any street, levee, lane, highway

or alley, it shall be lawful for the said board of public works, in their discretion, in making such assessment, where part of the land to be laid out into such street, levee, lane, highway or alley, has been heretofore donated by any person or persons for such street, levee, lane, highway, or alley, to appraise the value of the land so donated, and to apply the value thereof as far as the amount so appraised shall go, as an offset to the benefits assessed against the person or persons making such donation, or those claiming under them; but nothing herein contained shall authorize any person or persons by whom such donation is made, to claim from the city the amount of such appraisal except as an offset as herein provided. And where the assessment is one for the widening of any street which may have been heretofore, either in whole or in part, donated to the public by the proprietors of the adjoining land, it shall also be lawful for said board of public works, in their discretion, to make such allowance therefor, in their assessment of benefits, as shall in their opinion be equitable and just.

**246. Damages for buildings—Appraisal—Removal—Notice.**—Sec. 13. If there should be any building standing, in whole or in part, upon the land to be taken, the said board of public works shall add to their estimate of damages for the land, the damages also for the building or part of building necessary to be taken, if it be the property of the owner of the land. When owned by any other person, the damages for the building shall be assessed separately. The value of such building to the owner to remove, or of the part thereof necessary to be taken, shall also be determined by the said board of public works, and notice of such determination shall be given by them to the owner when known, if a resident of the city, or left at his usual place of residence or abode. If the owner is not known, or is a non-resident, ten (10) days' notice by one (1) publication to all persons interested shall be given in the official paper of the city. Such owner may, at any time, within ten (10) days after such notice, notify the board of public works, in writing, of his election to take such building, or part of building, at their appraisal; and in such case the amount of such appraisal shall be deducted by the board of public works from the estimated damages for the land and building, where they belong to the same owner, and from the estimated damages for the building where they belong to different owners; and the owner shall have such time for the removal of such building, after the confirmation of the assessment, as the board of public works may allow. If the owner shall refuse to take the building at the appraisal, or fail to give notice of his election as aforesaid, within the time prescribed, then no deduction shall be made from the estimated damages aforesaid, and the said board of public works shall, after the confirmation of the assessment, and after the money is collected or otherwise provided and ready in the hands of the treasurer, to be paid over to the owner for his damages, proceed to sell such building or part of building at public auction, for cash, giving ten (10) days' public notice of the sale by one (1) publication in the official paper of the city, and cause such building to be then forthwith removed. The proceeds of such sale shall be paid into the city treasury, to the credit of the general fund.

**247. Joint owners—Lands subject to lease.**—Sec. 14. If the lands and building belong to different persons, or if the land be subject to lease, the damages done to such persons, respectively, may be awarded to them by the board of public works, less the benefits resulting to them, respectively, from the improvement.

**248. Assessment of benefits.**—Sec. 15. Having ascertained the damages and expenses of such improvement, as aforesaid, the said board of public works shall thereupon apportion and assess the same, together with the costs of the proceedings, upon the real estate by them deemed benefited, in proportion to the benefits resulting thereto from the improvement, as nearly as may be, and shall briefly describe the real estate upon which their assessment may be made; and it shall constitute no legal objection to such assessment, that the amount thereof either exceeds or falls short of the original estimate of

the cost of the improvement submitted to the common council by the board of public works.

**249. Notice of assessment—Hearing—Confirmation—New assessments, when.**—Sec. 16. When completed, said board of public works shall cause to be given ten (10) days' notice by one (1) publication in the official paper of the city, to the effect that such assessment has been completed, and that at a time and place therein specified the said board will meet for the purpose of hearing objections, and that all such objections must be filed in writing with the clerk of said board at least one (1) day prior to said meeting, and that unless sufficient cause is shown to the contrary, the same will be confirmed, and when so confirmed shall be entered in a book kept for that purpose. All objections to said assessments shall be in writing and filed with the clerk of said board at least one (1) day prior to the said meeting of said board last mentioned. Provided, however, that the said board may, in its discretion, allow any party interested, who has accidentally or inadvertently omitted to file his objections aforesaid, to do so at the time of meeting of said board aforesaid. Should no quorum be present at the said appointed meeting of said board, the said meeting may be adjourned by the member or members of said board present, or if none of the members are present, by the clerk of said board to such other convenient time and place as may be deemed expedient. Provided, further, that nothing herein contained shall preclude the said board from causing a new notice aforesaid to be given of a meeting of the said board for the purpose of hearing objections to said assessment, and for the confirmation thereof in manner as before required, in case the previous notice shall be found imperfect or in case of a defect in the attendance of the members of said board, or for any other reason which shall be satisfactory to said board for so doing. The said board shall have the power to adjourn such hearing from time to time, and shall have power, in their discretion, to revise and correct the said assessment, and to confirm or set aside the said assessment and proceed to make an assessment de novo, without any further order from the council. Said assessment, when confirmed, shall be final and conclusive upon all parties interested therein, except as hereinafter provided. When said assessment is confirmed, a warrant under the seal of said board, shall issue to the treasurer of said city for the collection of the same, from the property on which the same has been assessed, signed by the mayor, clerk of said board and the city comptroller. If said assessment shall be set aside by the said board as aforesaid or by the court, the said board of public works shall proceed de novo, without any further order from the council to make another or new assessment, and they shall proceed in like manner and give the like notice as herein required in relation to the first, and all parties in interest shall have the like rights, and the said board shall perform like duties, and have like powers in relation to any subsequent determination, as are hereby given in relation to the first. As soon as practicable after the said assessment has been confirmed and entered, the clerk of said board shall cause a brief notice by one publication of the same to be published in the official paper of said city.

**250. Appeals—Notice—Bond—Pleadings—Jurisdiction of court.**—Sec. 17. Any person whose property has been appropriated, and who has filed objections to such assessment as hereinbefore provided, shall have the right at any time within ten (10) days after the publication of said notice provided for in the next preceding section to appeal to the district court of the County of Ramsey, of this state, from the order confirming said assessment. Said appeal shall be made by filing a written notice with the clerk of the board of public works, specifying the name of the court in which the appeal is taken, and a description of the property of said appellant so appropriated, and the objections of said appellant to such assessment, and by filing with the clerk of said court, within ten (10) days thereafter, a copy of said notice of appeal and objections, together with a bond to the City of St. Paul conditioned to pay all costs which may be awarded against the appellant, in such sum and with such surety as shall be approved by the judge of said court, or in case

of his absence or inability to act, by the judge of any court of record in this state, together with a copy of such notice, with the date of filing thereon certified by the clerk of the board of public works. In case of an appeal a copy of the assessment roll as confirmed aforesaid, certified by the clerk of said board, at the expense of the appellant, which shall in no case exceed the sum of three (3) dollars, and shall forthwith be paid into the city treasury, shall be filed in the office of the clerk of the court to which such appeal shall be taken, and the cause shall be docketed by such clerk in the name of the person taking such appeal against the City of St. Paul as an "appeal from assessments." The said cause shall then be at issue, and it may be brought on for hearing by either party, and shall have the preference in order of trial over all civil causes pending in said court. Such appeal shall be tried in said court as in the case of other civil causes, except that no pleading shall be necessary, and on such trial the only question to be passed upon shall be whether the said board of public works had jurisdiction in the case, and whether the valuation of the property specified in the objections is a fair valuation, and the assessment, so far as it affects such property, is a fair and impartial assessment. The judgment of the court shall be either to confirm or annul the assessment in so far as the same affects the property appropriated aforesaid of the said appellant, from which judgment no appeal or writ of error shall lie. Costs and disbursements may be taxed upon said appeal as in other civil cases, but the judgment entered therefor against said city shall be a separate judgment and paid out of the general fund of said city.

**251. Payments of damages—Water powers—Deeds.**—Sec. 18. When such assessment shall have been confirmed the same shall be a lawful and sufficient condemnation of the land ordered to be appropriated and of every right, title, estate, lien and interest therein except as to those who have appealed therefrom as provided by section seventeen (17) of this title. The City of St. Paul shall thereupon cause to be paid to the owner of such property the amount of damages over and above all benefits which may have been awarded therefor within six (6) months after date of the confirmation of such assessment, with interest at the rate of seven (7) per cent per annum. If in any case there shall be any doubt as to who is entitled to the damage for land taken the city may require of the claimant a bond with good and sufficient sureties to hold the city harmless from all loss, costs and expenses in case any person should claim such damages. In all cases the title to the land taken and condemned in the manner aforesaid shall be vested absolutely in the City of St. Paul in fee simple. Provided, however, that when it may be necessary to condemn any land for the opening, extension or the widening of any street over which any stream of water runs, and which the owner thereof may desire to utilize as a water power, the common council, upon being advised of said fact, may order the taking and the condemnation of the necessary land for such street, with the reservation that the owner of such land shall have the right to construct flumes or mill races across, through or under said street, and construct dams above and below said street and the flow of said land; provided further, said flumes, races, dams or flowing shall be so constructed and used as not to obstruct public travel on said street. It shall be the duty of the clerk of the board to cause all deeds taken by the city of land acquired by condemnation to be recorded without delay, and the said clerk shall be the custodian thereof. In case no deed is given it shall be the duty of said clerk to cause the county auditor and city treasurer to be notified of the title so acquired by the city, giving to each of them a description of the land so acquired, and it shall be the duty of the register of deeds of the county of Ramsey to record all such deeds without requiring the certificate of the county auditor, county treasurer or city treasurer that the taxes and assessments thereon have been paid.

**252. Possession of property on easement.**—Sec. 19. The City of St. Paul shall have the right to enter upon and take possession of the lands and property ordered to be condemned, or of any easement therein, and to appropriate

such lands, property or easement to the purposes for which the same is condemned upon the confirmation of the assessment, as hereinbefore provided. In case an appeal shall be taken from the confirmation of such assessment the same shall not delay the right of the city to enter upon and appropriate the property condemned.

**253. Covenants, etc., between landlords and tenants.**—Sec. 20. When the whole of any lot or parcel of land or other premises under lease or other contract shall be taken for the purposes aforesaid by virtue of this act, all the covenants, contracts and engagements between landlords and tenants, or any other contracting parties touching the same or any part thereof, shall, upon publication of the notice required in the preceding section, respectively, cease and be absolutely discharged.

**254. Parts of lots under contract.**—Sec. 21. Where part only of any lot or parcel of land or other premises so under lease, or other contract, shall be taken for any of the purposes aforesaid by virtue of this act, all the covenants, contracts, agreements and engagements respecting the same, upon publication of the aforesaid notice, shall be absolutely discharged as to the part thereof taken, but shall remain valid as to the residue thereof; and the rents, considerations and payments reserved, payable and to be paid for in respect to the same, shall be so proportioned as that the part thereof justly and equitably payable for such residue thereof, and no more, shall be paid and recoverable for the same.

**255. Record of proceedings—Certified copies.**—Sec. 22. All proceedings taken by the said board of public works in carrying out the provisions of this title shall be recorded in a book or books kept for that purpose by the clerk of said board, describing particularly the respective improvements and the real estate taken and assessed. The said books in which said proceedings have been entered aforesaid, and the official files and papers of said board of public works shall be deemed public records and be prima facie evidence of the facts therein stated, and certified copies thereof by the clerk or officer having proper custody thereof, with the seal of said board attached, shall be evidence in all courts to the same effect as if the originals were produced. The clerk of said board shall be entitled to receive from any private party for any certified copy or transcript aforesaid furnished said private party the like fees as are received for such services by the clerk of the district court of Ramsey county.

**256. Contracts—How awarded—Assessment of cost—Repairs not exceeding \$200—Main sewers and culverts.**—Sec. 23. Whenever any order shall be finally passed by the common council of said city as heretofore provided for filling, grading, leveling, paving, curbing, walling, bridging, graveling, macadamizing or planking any street, levee, lane, alley or highway or for keeping the same in repair or for filling, grading, protecting, improving, ornamenting any public square, or for constructing area walls, gutters, sewers and private drains, the city clerk shall transmit a copy of such order of said council to said board of public works. The said board of public works shall cause the said work to be let and done as hereinafter provided; and after the whole of said work shall have been placed under contract, as hereafter provided, the said board shall thereupon proceed without delay to assess the amount, as nearly as they can ascertain the same, which will be required to defray the cost of such improvement, including the necessary expense of making such assessment in proportion, as nearly as may be to the benefit resulting thereto, in manner hereinafter provided. Provided, however, that the repairing of any street, levee, lane, alley, highway, public ground, bridges or sewers, the cost of which repairs is estimated not to exceed the sum of two hundred (200) dollars, may be done under the direction of said board, and the cost thereof shall be paid out of the general fund; and, provided further, that nothing herein contained shall prevent the said common council of said city from ordering the construction of one or more main sewers or culverts in accordance with any general system of sewerage which said common council may adopt.

**257. Assessments against railway property.**—Sec. 24. When in any case, any portion of the cost and expense of making any improvement mentioned in the foregoing section shall by virtue of any valid law or ordinance, or by virtue of any valid contract, be chargeable upon any railway company, the amount so chargeable may be assessed upon such railway company, and the balance only upon the real estate benefited thereby, and the city may collect the amount so assessed upon said railway company, by distress and sale of personal property, in the manner provided for by the general laws of this state in the case of taxes levied upon personal property, or by suit brought for that purpose; provided, however, that any real estate belonging to such railway company, and deemed benefited by the said improvement, shall be assessed as in other cases.

**258. Notice of assessment—By advertisement—Personal notice.**—Sec. 25. Before proceeding to make an assessment for any improvement mentioned in section twenty-three (23) of this title, said board of public works shall give six (6) days' notice by one (1) publication in the official paper of said city, of the time and place of their meeting for the purpose of making such assessment, in which notice they shall specify what such assessment is to be for, and the amount to be assessed. The said board shall also give at least four (4) days' personal notice to the same effect to all property holders interested, or their agents, resident in the City of St. Paul, if known to the said board and found, but the failure to give such personal notice shall in nowise affect the validity of said assessment, or of any of the proceedings. All persons interested in any such assessment, shall have the right to be present and be heard, either in person or by counsel and the said board may, in their discretion, receive any legal evidence, and may adjourn, if necessary, from time to time, and place to place. The personal notice required by this section, may be made by depositing in the St. Paul postoffice, a postal card addressed to the property owners to be assessed, or their agents, resident in St. Paul, at least four (4) days prior to the making of an assessment, upon which card shall be either printed or written substantially what the published notice by this section is now required to contain, but the failure to give such personal notice shall in nowise affect the validity of said assessment or of any of the proceedings.

**259. Duties of board in confirmation same as in condemnation proceedings.**—Sec. 26. When the said board of public works shall have completed their assessment provided for in sections twenty-three (23), twenty-four (24) and twenty-five (25), they shall cause like notice to be given of the time and place when said board shall meet to hear objections, and for the confirmation of such assessment, as hereinbefore required in relation to assessments for the condemnation of real estate; and objections shall be made in like manner, and under the same regulations and conditions, and all parties in interest shall have like rights (except the right of appeal), and the said board of public works shall perform like duties, and have like power in relation to such assessments as are herein given in relation to assessments for the condemnation of real estate. When confirmed by the said board of public works, said assessment shall be final and conclusive upon all parties interested therein, and shall be collected as in other cases, and no appeal shall lie in any case from the order of confirmation. If any assessment be annulled or set aside, the said board of public works shall proceed de novo to make another or new assessment in like manner, and give like notice as herein required in relation to the first.

**260. Two or more notices may be combined—Sunday publications.**—Sec. 27. Two (2) or more of the notices required or authorized by this title to be given by the board of public works or the city clerk, by publication in the official paper of the city, in any special assessment proceedings, may be comprised in one (1) advertisement; provided, however, such notices are of the same general character, or for like object. And, provided, that in other respects the notice so published shall sufficiently comply with the essential statutory requirements. And the provisions of this section shall extend to, and

embrace all notices required to be given in the official paper of the city, by the city treasurer of the delivery to him of all special assessment warrants for collection, and of his intended application to some court of general jurisdiction for judgment thereon provided for by this chapter. Provided, further, that all notices required to be given by or under this title by publication in the official paper, shall be deemed sufficient and legal if published on the regular publication day of said official paper, and Sunday shall be considered a day, and be counted, for the purposes of this title.

**261. Assessments for municipal quarries, etc.—**Sec. 28. When the common council of said city shall determine to make any public improvement in the manner provided for in subdivision fifty-nine (59) of section (10) of chapter four (4) of this charter, the cost of which is to be paid out of assessments on the property benefited thereby, the cost of such improvements shall be paid in the first place, under proper resolutions of said council, out of the general fund of said city, and on the completion of said improvement the commissioner of public works shall certify the cost thereof to the board of public works, and an assessment for such cost shall be made, levied and collected in the same manner as though said work had been performed by contract as hereinbefore in this chapter provided; and the proceeds of such assessment when collected shall be paid into the general fund of said city, out of which the original cost thereof was in the first instance met.

**262. Assessment—Warrant for Appeal not to delay collection except as to property of applicant.—**Sec. 29. When any special assessment shall have been confirmed it shall be the duty of the clerk of the board of public works, to issue a warrant for the collection thereof, which shall be under the seal of said board, and signed by the mayor, comptroller, and clerk of said board, and shall contain a printed or written copy of the assessment roll as confirmed as aforesaid, or so much thereof as described, the real estate and the amount of the assessment in each case. In case of any appeal as provided for by section seventeen (17) of this title said appeal shall not delay or affect the collection of the assessment under such warrant, except as to the property of such appellant appropriated aforesaid. And in case such appeal shall be sustained, and the assessment in relation to said property appropriated of said appellant shall be set aside by the court, the board of public works shall make a new assessment as to the property of such appellant last mentioned, proceeding de novo as to the same, in accordance with the provisions relating to improvements referred to in section eight (8) of this title, and in case the amount of damages or recompense which said board of public works may reward such appellant upon such new assessment shall exceed the first, the board of public works shall make a new assessment upon the property to be benefited to pay the difference which may have been awarded appellant, together with the costs and expenses of such new assessment.

**263. Delivery of warrants.—**Sec. 30. All warrants issued for the collection of special assessments shall be delivered by the comptroller to the city treasurer, within five days thereafter, taking his receipt therefor.

**264. Notice by treasurer.—**Sec. 31. Upon the receipt of any warrant for the collection of any special assessment the city treasurer shall forthwith give notice by one (1) publication in the official newspaper of the city, that such warrant is in his hands for collection, briefly describing its nature, and requesting all persons interested to make immediate payment at his office, and that in default thereof the same will be collected at the cost and expense of the persons liable for the payment of such assessments.

**265. Assessments paramount liens.—**Sec. 32. All assessments levied under the provisions of this charter shall be a paramount lien on the real estate on which the same may be imposed, from the date of the warrant issued for the collection thereof.

**266. Interest on unpaid assessments.—**Sec. 33. If the assessments charged



in any special assessment warrant, whether made by reason of the appropriation or condemnation of land, or for any other improvement whatsoever under the provisions of this title, shall not be paid within thirty (30) days after the publication of notice by the city treasurer that he has received such warrant for collection, except in case it is on a collection warrant issued on or by reason of a reassessment, or a new assessment, in which latter case the notice that such warrant is in the treasurer's hands shall require payments to be made within ten (10) days after the publication, the assessment then remaining unpaid shall be collected with interest at the rate of twelve (12) per cent per annum thereafter until the same shall be paid.

**267. Application for judgment by treasurer—Notice.**—Sec. 34. It shall be the duty of the city treasurer, immediately after the expiration of the thirty (30) days, or after ten (10) days on a reassessment or a new assessment warrant mentioned in the preceding section, to report to the district court of Ramsey county at any general or special term thereof, all assessment warrants for the collection of any assessments under the provisions of this chapter which have been delivered to him and then and there ask for judgment against the several lots and parcels of land described in such warrants for the amounts of assessment, interest and costs respectively due thereon. The city treasurer shall previously give at least ten (10) days' notice by one (1) publication in the official paper of said city of his intended application for judgment, which notice shall briefly specify the respective warrants upon which such application is to be made and a description of the property against which judgment is desired, and require all persons interested to attend at said term.

Said treasurer shall also give five (5) days' personal notice to the same effect to all property holders interested or their agents resident in the City of St. Paul. Such personal notice may be made by depositing in the St. Paul postoffice a postal card addressed to the property owners to be assessed or their agents resident in St. Paul, upon which card shall be printed or written such notice of application for judgment; but the failure to give such notice shall in nowise affect the validity of the judgment applied for or any of the proceedings. The advertisement so published shall be deemed and taken to be sufficient and legal notice of the aforesaid and intended application by the city treasurer to such court for judgment, and shall be held a sufficient demand and refusal to pay said assessment.

**268. Copy of notice to be filed.**—Sec. 35. The city treasurer shall obtain a copy of the advertisement or advertisements referred to in the preceding section, together with an affidavit of the due publication thereof, from the printer or publisher of the newspaper in which the same was published, and shall file the same with the clerk of such court, at the said term with said reports.

**269. Each report a separate proceeding.**—Sec. 36. The clerk of said court, upon the filing of such reports of the city treasurer, shall receive and preserve the same and shall annex thereto, or file therewith, all judgments, orders and other proceedings of said court in relation thereto. Each of said reports shall constitute a separate proceeding or suit, and shall be docketed by the clerk of said court in a suitable record book, to be kept by him for that purpose, substantially in the following form, to-wit: "City of St. Paul vs. ———— certain lots of land, ———— suit for assessment on warrant for ————," or in such other manner as will sufficiently indicate the nature of the improvement for which the assessment is made, in which said record book the judgment, when rendered, shall also be docketed. Provided, however, that the court may, by rule, or otherwise, direct how and in what form such proceedings and judgments may be entered or docketed, and what further record, if any, shall be made thereof, and what papers shall be filed, and how kept and preserved.

**270. Proceedings in court shall have priority—Objections, time for filing—Formal defects—Rule as to assessments not litigated.**—Sec. 37. It shall be

the duty of the court, upon the filing of said reports, to proceed immediately to the hearing of the same, and they shall have priority over all other causes pending in said court. The said court shall pronounce judgment against the several lots and parcels of land described in said reports, for which no objection shall be filed, for the amount of the assessment, interest, damages and costs due severally thereon. The owner of any property described in said reports, or any person beneficially interested therein, who shall feel aggrieved by such assessment, shall file in said court his objections, in writing, to the recovery of judgment against such property, and shall serve a copy thereof upon the corporation attorney, at least five (5) days prior to the time designated in the city treasurer's notice, that he will apply for judgment as provided for in section thirty-four (34) of this title. No objection shall be interposed or sustained in relation to any of the proceedings prior to the confirmation of the assessment, except that the common council had no authority to order the said improvement, or that the board of public works had no authority to have the said work performed; and no objections as to any other of the proceedings shall be sustained on any mere formal irregularity or defect, and the city treasurer may amend by leave of the court in its discretion in any matter in furtherance of justice. The court shall hear and determine all objections in a summary manner without pleadings, and shall dispose of the same with as little delay as possible, consistent with the demands of public justice; but should justice require that for any cause the suit as to one or more owners should be delayed, judgment shall then be rendered as to the other property and lands, and process shall issue for the sale thereof, the same as in other cases. Upon the trial in the district court of an appeal from any assessment charged in any special assessment warrant, whether made by reason of the appropriation or condemnation of land, or for any other improvement whatsoever under the provisions of this title, the court shall give to the official act of said board in making the assessment the same weight, at least, as evidence, as it would and should give to testimony of an equal number of disinterested and specially qualified expert witnesses upon all questions considered and determined by the board in making such assessment.

**271. Judgments in default—When defense is interposed—Costs.—Sec. 38.**

In all cases where a judgment shall be rendered in default against the property described in said reports, the court shall thereupon direct the clerk of said court to make out and enter an order for the sale of the same, which said order shall be substantially in the following form:

Whereas, due notice has been given of the intended application for a judgment against said lands, and no owner hath appeared to make defense or show cause why judgment should not be entered against the said lands and other property for the assessment, damages, interest and costs due and unpaid thereon; therefore, it is considered by the court that judgment be and is hereby entered against the aforesaid lots and parcels of land in favor of the City of St. Paul, for the sum annexed to each lot or parcel of land, being the amount of assessment, interest, damages and costs due severally thereon, and it is ordered by the court that the several lots and parcels of land, or so much thereof as shall be sufficient of each of them to satisfy the amount of assessment, interest, damages and costs, annexed to them severally, be sold as the law directs.

In all cases where a defense shall be interposed and judgment shall be rendered against the property, a similar order, adapted to the circumstances of the case, shall be made and entered of record. Thirty five (35) cents cost shall be laid to each lot or parcel against which judgment is rendered, and the further sum of one (1) dollar to each lot or parcel for advertising the notice of sale. Provided, that in all cases where a defense is interposed and not sustained, the court may direct by special order, or by rule, such additional costs to be included in the judgment as may be deemed proper.

**272. Treasurer to sell land—Process. Sec. 39.**

It shall be the duty of the clerk of such court, within twenty (20) days after such order is granted as aforesaid, to make out under the seal of said court a copy of so much of

said city treasurer's report in such case as gives a description of the land against which judgment shall have been rendered, and the amount of such judgment, together with the order of the court thereon, which shall constitute the process on which all lands, lots, pieces and parcels of land, shall be sold for the amount of any assessments, interest, damages and costs so levied, assessed or charged upon them; and the said city treasurer is hereby expressly authorized and empowered to make sale of such lands, lots, pieces or parcels of land or other property, upon ten (10) days' notice, by one (1) publication in the official paper of said city.

**273. Advertisement of sale.**—Sec. 40. The said advertisement so to be published in each case of a judgment upon any collection warrant and report as aforesaid, shall contain a list of the delinquent lots and parcels of land to be sold, the names of the owners, if known, the amount of judgment rendered thereon, respectively, and the warrant upon which the same was rendered, the court which pronounced the judgment, and a notice that the same will be exposed to public sale at a time and place to be named in said advertisement by said city treasurer. The omission of the name of any owner, or any mistake respecting the same, shall not invalidate the sale, if the property be otherwise described with sufficient certainty.

Sec. 41. In all proceedings and advertisements for the collection of such assessments, and the sale of lands therefor, letters and figures may be used to denote lots, parts of lots, lands and blocks, sections, townships, ranges and parts thereof, the year and the amounts.

**274. Certificates of sale—Redemption.**—Sec. 42. Certificates of sale shall be made and subscribed by the city treasurer, under the seal of the City of St. Paul, which shall be delivered to the purchaser, and which certificates of sale shall contain the name of the purchaser, a description of the premises sold, the amount of the judgment for which the same was sold, adding interest at the rate of twelve (12) per cent per annum, from the day when judgment was rendered to the date of sale, and fifty (50) cents cost on each description, for such other expenses as may be incurred by the city in selling the property; which judgment, interest and costs shall constitute the total amount for which the property shall be sold, which amount shall also appear in the certificate, and the time when the right to redeem shall expire. Said certificates shall bear interest at the rate of twelve (12) per cent per annum until paid.

Said certificates shall state upon their face, in addition to what is now required by law, that "This certificate may be redeemed in five (5) annual instalments, which shall become due and payable as follows: One-fifth (1-5) of said certificate at the end of each one of the successive five (5) years next ensuing the date of this certificate, together with interest due on the whole amount thereof, unpaid at the maturity of each of said instalments; provided that said certificate may be redeemed at any time before maturity upon the payment of thirty (30) days' interest in addition to the interest which has already accrued.

**275. Payments by purchasers—City a purchaser, when.**—Sec. 43. The person purchasing any lot or parcel of land shall forthwith pay to the treasurer the amount of the judgment due thereon, and on failure so to do, the said property shall be again offered for sale, in the same manner as if no such sale had been made, and in no case shall the sale be closed until payment shall have been made. If no bid shall be made for any lot or parcel of land the same shall be struck off to the city, and thereupon the city shall receive, in the corporate name, a certificate of the sale thereof, and shall be vested with the same rights as other purchasers at such sales.

**276. Treasurer's record of sales.**—Sec. 44. The city treasurer shall enter and extend upon the certified copy of judgment and order of sale issued to him by the clerk of the district court, the interest, cost and expenses to be charged against each lot or description as provided by law, the amount of sale, to whom sold, or if struck off to the city, to whom transferred after-

wards, with the amount of transfer, and attach thereto a copy of the advertisement pertaining to the sale. The city treasurer shall keep this record on file in his office. Certified copies thereof may be furnished when desired.

**277. Redemption, how made—Unredeemed lands—Advertisement—State liens paramount.**—Sec. 45. If at any sale any piece or parcel of land shall be sold to a purchaser or the piece or parcel be struck off to the city, the same may be redeemed at any time within five (5) years from the date of the sale by any person having any interests therein, upon the payment of the amount for which the same was sold, together with interest thereon, in accordance with the provisions of section forty-two (42) of this title, and upon the terms and conditions as to installments therein provided, and any other assessments which may be made under or by virtue of this title, or the charter of the City of St. Paul, subsequent to the sale, with the interest accruing thereon, at the rate, and payable in accordance with the provisions of section thirty three (33) of this title. Redemption shall be made by the payment of the redemption money to the city treasurer, and upon such payment the city treasurer shall execute to said redemptioner a certificate of satisfaction of said assessment, judgment and lien, upon the return of the certificate of sale, or upon proof of its loss, and the filing with the comptroller of an affidavit to that effect. If the property shall not have been redeemed according to law, a deed shall be executed to the purchaser or his assigns under the corporate seal of said city, signed by the mayor, comptroller and clerk of said city, conveying to such purchaser or assignee the premises so sold and unredeemed as aforesaid.

The city treasurer shall, at least three (3) months before the expiration of the time for redeeming any lot or parcel of land aforesaid, cause to be published in the official paper of said city, once (1) a week for six (6) successive weeks, a list of all unredeemed lots or parcels of land specifying each tract or parcel, the name of the person to whom assessed, if to any, and the amount of the assessment, charges and interest, calculated to the last day of redemption, due on each lot or parcel, together with notice that unless such lots or parcels of land be redeemed on or before the day limited therefor, specifying the same, they will be conveyed to the purchaser. Provided, however, that before the holder of such certificate shall be entitled to a deed for said property he shall pay into the city treasury the cost of such notice of the expiration of the time of redemption. A memorandum of all deeds made and delivered, shall be entered by the comptroller in the book wherein such sales are recorded, and a fee of one (1) dollar may be charged by the comptroller for every deed so issued.

Provided, that nothing in this title contained shall be construed to affect or prejudice the lien of the state, for all taxes which have been or may be levied upon such property under the general laws of the state. In cases of redemption the city treasurer shall notify the person holding the certificate of sale that the amount of such certificate, with the interest thereon so paid, is in the city treasury subject to his disposal.

**278. Certificate assignable.**—Sec. 46. Such certificate of purchase shall be assignable by indorsement and an assignment thereof shall vest in the assignee or his legal representative all the right and title of the original purchaser.

**279. Sales in error.** Sec. 47. Whenever it shall appear to the satisfaction of the comptroller, before the execution of a deed for any property sold for assessments, that such property was not subject to assessment, or that the assessment had been paid previous to the sale, he shall, with the approval of the common council of said city, make an entry opposite to such property on his record of sales, that the same was sold in error, and such entry shall be prima facie evidence of the fact therein stated. Provided, that where the sale shall have been made to any purchaser other than the city the common council of said city, before approving of such entry, shall first cause notice to be given by mail, or in such manner as said council may direct, to the purchaser, his heirs, assigns or legal representatives, of the said

proceeding, and provided, further, that in case such entry is approved the purchase money shall be refunded to the parties entitled thereto with interest.

**280. Deeds to purchasers prima facie evidence—How set aside—Recovery by purchaser.**—Sec. 48. All deeds made to purchasers of lots and parcels of land sold for assessments, or the record thereof, shall in all cases be prima facie evidence that all requirements of the law, with respect to the sale, have been duly complied with, and of title in the grantee therein, after the time for the redemption has expired, and no sale shall be set aside or held invalid unless the party objecting to the same shall either prove that the court rendering the judgment, pursuant to which the sale was made, had not jurisdiction to render the judgment, or that after the judgment and before the sale such judgment had been satisfied, or that notice of sale as required by this act was not given, or that the piece or parcel of land was not offered at sale to the bidder who would pay the amount for which the piece or parcel was to be sold, nor unless the action in which the validity of the sale shall be called in question, be brought, or the defense alleging its invalidity be interposed within three (3) years after the date of the sale, and if any sale shall be set aside by reason of any defect in the proceedings subsequent to the entry of the judgment, the court so setting aside the sale shall have power in such case to order a new sale to be made as nearly as may be in accordance with the provisions of this act. That in any action heretofore or hereafter commenced in which the validity of a deed or certificate of sale issued under this charter is brought into question, and the same shall be set aside on account of any irregularity or defect invalidating the sale pursuant to which said certificate or deed was issued, the party holding such deed or certificate of sale shall recover from the City of St. Paul the amount paid by the purchaser at the sale, or by the assignee of the city on taking an assignment certificate, with interest at the rate of seven (7) per cent per annum from the date of such payment. Such amount shall be paid out of the city treasury upon the order of the common council of said city. Such proceedings shall not operate as a payment or cancellation of any assessment included in the judgment, but the same shall stand as originally assessed against the property, and with all accruing interest, penalties and costs. All deeds referred to in this chapter shall be admitted to record without payment of taxes, and without the county auditor's certificate that the changes have been made.

**281. Treasurer's successor shall act.**—Sec. 49. Any change made in the incumbent of the office of the city treasurer during the pendency of any such proceedings, shall not operate to affect or delay the same, but the successor or successors in office of such city treasurer, shall be authorized to do all acts necessary to complete such proceedings, the same as if his predecessor had continued in office. In case of a vacancy occurring in any such office, the proceedings shall be prosecuted by the comptroller until such vacancy is filled by election or otherwise.

**282. Sales at public vendue**—Sec. 50. All sales of property for the non-payment of assessments, provided for in this title, shall be made in the day time at public vendue, in the City of St. Paul, at the time and place stated in the notice of sale prescribed in sections thirty-nine (39) and forty (40) of this title, and may be adjourned from day to day (Sunday excepted) until the whole is completed.

**283. Neglect by officials, penalty.**—Sec. 51. Any city treasurer, or other officer, who shall in any case refuse or knowingly neglect to perform any duty enjoined upon him by this title, or who shall consent to or connive at any evasion of its provisions, whereby any proceeding required by this title shall be prevented or hindered, shall, for every such neglect or refusal be liable to said city individually and upon his official bond for double the amount of loss or damage caused by such neglect or refusal, to be recovered in an action in any court having jurisdiction of the amount thereof.

**284. Errors or omissions not affecting substantial justice of assessment shall not vitiate.**—Sec. 52. No error or omission which may have heretofore

been or may hereafter be made in the order or in the proceedings of the common council or board of public works, or any of the officers of said city, in referring, reporting upon, ordering or otherwise acting concerning any local improvement provided for in this chapter, or in making any assessment therefor, or in levying or collecting such assessment, not affecting the substantial justice of the assessment itself, shall vitiate or in any way affect such assessment. The reports of the city treasurer and assessment warrants held by him, referred to in section thirty-four (34) of this title, shall be prima facie evidence that the proceedings up to the date of such warrants were valid and regular, and the certificate of sale issued as provided for in this title shall be prima facie evidence of the validity and regularity of all proceedings up to the date of such certificate.

**285. All assessments must be paid before deed issues.—Lien on premises.—**

Sec. 53. No purchaser of lands or lots, or other property sold for assessments, or his heirs or assigns, shall be entitled to a deed until he or they shall have paid all assessments made thereon, prior or subsequent to the assessments, under which such purchase was made. The amount of all such prior or subsequent assessments, so paid by any such purchaser, his heirs or assigns, and all moneys paid by such purchaser, his heirs or assigns, to redeem the premises from any sale for any such assessment, shall be a lien on the premises in his favor, and the amount thereof with interest at twelve (12) per cent per annum from the time of such payment or redemption shall be refunded to such purchaser, or be paid to the treasurer of said city, for the use of such purchaser, his heirs or assigns, by the owner or person entitled to redeem before any redemption shall be made, except as provided in the section next following.

**286. Real estate struck off to city.—May be sold.—**Sec. 54. After any real estate shall have been bid in or struck off to the city, said city may enter upon such real estate and take possession thereof, and by its treasurer sell the same for the amount due on such special assessment, interest, penalty and costs, and a deed of the property so sold shall be executed in the same manner and by the same officers as provided in section forty-five (45) of this title. Provided, however, that if any lot or parcel of land so struck off to said city shall be again sold for like assessments, while the said city holds its title as purchaser aforesaid, the same shall not be sold to any purchaser except said city for less than the amount actually remaining unpaid on the preceding assessment, as well as such subsequent assessment, with interest aforesaid at the rate of twelve (12) per cent per annum.

**287. Interest on judgments.—**Sec. 55. All judgments rendered under this title upon said assessments shall bear interest at the rate of twelve (12) per cent per annum from the date thereof until paid.

**288. Treasurer may assign certificates of sale.—**Sec. 56. The city treasurer of said city may, at any time before or after the time of redemption has expired, assign any certificate of sale of property so bid in by the city as aforesaid to any person, by endorsement thereon, after payment by such person into the city treasury of the amount at which the same was so bid in, together with the amount of any prior assessment, with interest thereon at the rate of twelve (12) per cent per annum, and costs, and such assignee shall have the same right and title thereunder as if he had purchased the same originally at the sale, and shall be entitled to a deed as in other cases. Provided, that after the expiration of the time of redemption of any certificate of sale of property, if the same shall remain unredeemed, the mayor, comptroller and city treasurer, or a majority thereof, may authorize the city treasurer to sell, assign and transfer the interest of the city in and to any such certificate for such sum or price as to them may appear for the best interest of the city.

**289. Reassessments, when and how made.—**Sec. 57. In all cases where application shall hereafter be made for a judgment or judgments, pursuant to this charter, and judgment is refused or denied by this court, or the assess-

ment, or any part thereof, as to any lot, lots or parcels of land assessed under any of the provisions of this charter, for any cause whatever, may be hereafter set aside or declared void by any court the board of public works shall, upon notice thereof by the city treasurer, proceed without unnecessary delay to make a reassessment or new assessment upon all lots, blocks and parcels of land which have been or will be benefited by such improvement to the extent of their proportionate part of the costs and expenses thereof as nearly as the same can be ascertained by the board of public works, and such reassessment or new assessment shall be made by the board of public works as nearly as may be in accordance with the law in force at the time such reassessment is made; and when the same shall have been made and confirmed by said board, it shall be enforced and collected in the same manner that other assessments are enforced and collected under this charter. The fact that the contract has been let, or that such improvement shall have been in whole or in part completed, shall not prevent such new assessment from being made, nor shall the omission of said board before the first assessment to furnish the council with a report that in their opinion property can be found benefited to the extent of the damages, costs and expenses necessary to be incurred thereby, or the omission of said board to furnish said council with a plan, section or profile of said improvement, constitute any objection to such reassessment or new assessment, or in any way prevent the board of public works from making such reassessment or new assessment, and no new order from the common council shall be necessary in any case whatsoever to authorize the board of public works to make a reassessment or a new assessment. And in all cases where judgment has been heretofore, or shall be hereafter refused or denied by any court, or where any court has heretofore or hereafter shall set aside or declare void any assessment upon any lot or parcel of land, for any cause, the said lots or parcels of land may be reassessed or newly assessed, from time to time, until each separate lot, piece or parcel of land has paid its proportionate part of the costs and expenses of said improvements, as nearly as may be, to the benefits derived, or to be derived, from such improvement. In case the amount of such reassessment shall be less than the first assessment upon the lots and parcels of land reassessed, the deficit shall be paid out of the general fund.

**290. Inadequate assessments, how remedied—Refundments of over-assessments.**—Sec. 58. If in any case the first assessments to pay for any local improvement which has heretofore been or shall hereafter be ordered by the common council, either before or after such improvement is completed, shall prove insufficient to fully pay for the same, whether said work was done before the passage of this charter, or otherwise, the board of public works shall, upon notice thereof from the city treasurer, and without a further or new order from the common council, proceed without unnecessary delay to assess and reassess the same upon the property benefited, or which will be benefited, until a sufficient amount is realized to pay for the same. If too large an amount shall at any time be raised, the excess shall be refunded ratably to those by whom it was paid, if the council shall so order, it being the true intent and meaning of this act to assess and reassess upon the real estate benefited to the extent of such benefits, for any deficiency over and above the first assessment which said improvement may cost, whether said improvement has heretofore been made, or may hereafter be made under the provisions of this charter, and no error, or omission, or irregularity, whether jurisdictional or otherwise, shall prevent a reassessment to the extent of the benefits conferred by such improvement.

**291. Errors subsequent to confirmation of assessment, how remedied.**—Sec. 59. In all cases where the treasurer shall be unable to enforce the collection of any special assessment, by reason of irregularity or omission in any proceeding subsequent to the confirmation of such assessment, the said board shall be authorized and empowered to cause a new warrant to issue to the treasurer for the collection of any assessment which, by reason of such irregularity or omission, remains unpaid or not collected. The treasurer shall

proceed under such new warrants to enforce and collect the assessments therein specified in the same manner, as nearly as may be, as is prescribed by the provisions of this chapter for the enforcement and collection of special assessments, after the same shall have been confirmed, as in this chapter provided; and as often as any failure shall occur, by reason of such irregularities or omissions, a new warrant may issue and new proceedings be had in like manner, until such special assessments shall be fully collected as to each and every tract and parcel of land charged therewith.

**292. Contracts shall be relet, when.**—Sec. 60. In all cases where the work for any improvement contemplated by the provisions of this chapter shall be suspended before final completion, by the failure of the contractor to perform the same or for any other cause, the common council may order said board to relet the unfinished portion of such work in the same manner, as nearly as may be, as provided in this chapter for the letting of contracts for public improvements, and in every case of such new contract the work shall be paid for in the same manner as contracts for other like improvements.

**293. Public improvements upon private property.**—Sec. 61. Property owners may be allowed to construct streets and other public improvements upon or through their own property, at their own expense, in such cases and upon such terms, and under such regulations as the common council may prescribe from time to time by ordinance.

**294. Unforeseen obstacles to improvements.**—Sec. 62. If the board of public works or the common council, in carrying out the provisions of this chapter, should find unforeseen obstacles in grading, excavating, filling, paving, or in any case of improving or opening or widening streets, levees, alleys or public highways, or sewers, not provided for, the common council may by resolution order such change or modification in such improvement to meet such unforeseen obstacles as the said council may deem equitable and just, upon the recommendation of the board of public works, or on their own motion, either before or after the confirmation of any assessment, or before or after the letting or making of any contract to do the same, or at any time while the work is in progress, by a two-thirds (2-3) vote of the common council elect; and any additional expense occasioned by such change or modification of the improvement may be included in the original assessment or raised by an additional assessment upon the property benefited by such improvement, to the extent of such benefits.

Provided, however, that no such work shall be done until ordered by the common council by a two-thirds (2-3) vote of the members elect.

Provided, further, that in all contracts the case of such unforeseen obstacles shall be anticipated as far as possible by the board of public works causing a schedule to be made, classifying the various kinds of work and material in fixing the price to be paid by the city for such work or material as may become necessary but cannot be foreseen; but said schedule shall be approved by the board of public works, and a copy thereof shall be signed by the bidder and attached to his bid, and the same shall be attached to and made a part of the contract; but no additional expense shall be incurred other than may be absolutely necessary to overcome such unforeseen obstacles. The said board of public works shall have power to correct any error, omission or mistake in an assessment, either before or after the confirmation, up to the time judgment may be obtained thereon, either as to the amount, or owner, or description, so as to conform to the facts and rights of the case as intended; and if by reason of such error, omission or mistake, the assessment shall be reduced below the amount of money required to pay the costs and expenses of said improvement, the board of public works shall make a new assessment upon the property benefited to make up the deficiency, together with the cost and expenses of such new assessment. Provided, further, that five (5) days' notice of the time and place of making such correction shall be given by one (1) publication in the official newspaper of the city, unless the owner of the real estate affected be present or consent thereto.



Said correction shall be entered of record and a copy thereof filed with the city treasurer. Provided, further, that if the expense required to overcome such unforeseen obstacles will materially increase the cost which would be incurred in the work if such unforeseen obstacles had not occurred, then the common council shall have power by a two-thirds (2-3) vote of the members elect to rescind the contract so far as the uncompleted part of the work is concerned, and may, in their discretion, by a two-thirds (2-3) vote of the members elect, after such rescission, order the work to be relet as other work is let under this chapter, and the original contractor in such case shall be entitled to be paid for the portion of the work done by him, ratably, according to the contract price, as nearly as the same can be ascertained, and no more.

**295. Proofs of publication shall be evidence in court.**—Sec. 63. When any notice is required to be published in any newspaper, under this chapter, an affidavit of the publisher or printer of such newspaper, or of the foreman or clerk of such publisher or printer, annexed to a printed copy of such notice, taken from the paper in which it was published, and specifying the time when and the paper in which such notice was published shall be evidence in all cases and in every court of judicial proceeding of the facts contained in such affidavit.

**296. Irregular or defective assessments, cured by new assessments.**—Sec. 64. If for any cause the proceedings of the common council or board of public works or any of its officers may be found irregular or defective, whether jurisdictional or otherwise, the common council may order a new assessment from time to time, and as often as needs be, until a sufficient sum is realized from the real estate benefited by such improvement to pay all the costs, damages and expenses incurred thereby.

**297. Judgments may be opened, when—Notice.**—Sec. 65. After judgment shall be ordered to be entered against any lot or real estate for the non-payment of assessments, the same shall not be opened or set aside except for mistakes made by the board of public works in making and confirming the assessment, or by the court in ordering judgment to be entered, or in entering the judgment after the same shall have been ordered, and in such case the judgment shall be opened only on application made by the city treasurer of the City of St. Paul. Ten (10) days' notice by one (1) publication in the official paper of said city, describing the improvement for which the assessment is made, and the mistake for which it is desired such judgment shall be opened, and stating the time when such application will be heard, shall be first given, and such notice shall be deemed sufficient notice to all persons interested in such application. If upon such application it shall be found that any mistake has been made materially affecting the rights of the parties, it shall be the duty of the court to open such judgment and order the mistake corrected so as to conform to the facts.

**298. Rules for estimating benefits.**—Sec. 66. It shall be the duty of the board of public works, in estimating the benefits to any particular lot, piece or parcel of land, to take into consideration the nature of the owner's interest therein, the form and position of their several parcels of land, the qualified rights of the owner in reference to its employments, and any other circumstances which render the proposed improvement more or less beneficial to him or them, and the determination and assessment or estimate of benefits of said board shall be final, except where an appeal is expressly allowed under the provisions of this charter.

**299. Delay by contractors.**—Sec. 67. If in the opinion of the board of public works any work under any contract does not proceed each month so as to insure its completion within the time named in the contract, the said board shall have power, when authorized by resolution of the common council, to furnish and use men and materials to complete the work, and charge the expense thereof to the contractor, and the same shall be deducted from

any moneys due him or to become due such contractor, or may be collected from him in a suit by said city.

**300. Deeds of record must have treasurers' certificate that assessments are paid.**—Sec. 68. The register of deeds shall not record any deed from a private person or private corporation unless there be endorsed on such deed a certificate of the city treasurer that all assessments for local improvements have been paid, and any violation of this provision by the register of deeds shall be a misdemeanor and be punished by a fine not exceeding double the amount of the unpaid assessment. It shall be the duty of the city treasurer, upon the application of any person interested in such deed, where the assessment has been paid, and not otherwise, to make such certificate free of charge, but the said city treasurer shall not certify that said assessment has been paid in any case where the property has been purchased by the said city at the sale provided for in this title, and the time for redemption has not expired, and the city still holds the certificate of sale.

**301. Forms of orders.**—Sec. 69. The following forms of orders shall be deemed sufficient:

#### FORM NUMBER ONE.

It is hereby ordered by the common council of the City of St. Paul:

That the matter of \_\_\_\_\_ be and the same is hereby referred to the board of public works to investigate and report:

First—Is this improvement proper and necessary?

Second—Give the council an estimate of the expense thereof and state whether one-half of the cost thereof is to be paid into the city treasury before the contract is let.

Third—Can real estate to be assessed for said improvement be found benefited to the extent of the damages, costs and expenses necessary to be incurred thereby?

Fourth—Is such improvement asked for upon the petition or application of the owners of a majority of the property to be assessed for such improvement?

Fifth—Send the council a plan or profile of said improvement, as required by law, if you report in favor of same.

Sixth—Send the council a proper order directing the work to be done.

#### FORM NUMBER TWO.

It is hereby ordered by the common council of the City of St. Paul:

That the board of public works of said City of St. Paul cause the following improvements to be made, to-wit: \_\_\_\_\_. That said board shall cause said work to be let by contract as provided by law. When one-half ( $\frac{1}{2}$ ) of the estimated cost is paid into the city treasury (if this is required), and after said work shall be placed under contract, said board shall proceed without delay to assess the amount as nearly as they can ascertain the same which will be required to pay the damages, cost and necessary expenses of such improvement, upon the real estate to be benefited by said improvement, as provided by law, it being the opinion of the common council that the real estate to be assessed for such improvement can be found benefited to the extent of the damages, costs and expenses necessary to be incurred thereby.

#### FORM NUMBER THREE.

It is hereby ordered by the common council of the City of St. Paul:

That whereas, the common council is officially advised that upon the application of the city treasurer to the \_\_\_\_\_ of Ramsey county, Minnesota, for judgment against the following lots blocks and parcels of land heretofore assessed by the board of public works for \_\_\_\_\_ judgment was denied by said court to-wit \_\_\_\_\_

Wherefore the board of public works of the City of St. Paul are hereby ordered to reassess the aforesaid lots and parcels of land for their proportion-

ate part of the cost and expense of such improvement not exceeding the benefits accruing to such lot block or parcel of land from such improvement, and proceed therein in the mode and manner prescribed by law, it having been made to appear to the council, and it being the opinion of said council, that said lots and parcels of land have been benefited by such improvement.

**302. Buildings on lands taken for streets or alleys.**—Sec. 70. In the assessment of damages and benefits for the opening of any street or alley, it shall be lawful for the board of public works, in their discretion, in making such assessments, should there be any building in whole or in part upon the land to be taken, as aforesaid, to consider the propriety of letting said building remain upon such land taken as aforesaid, for such time after condemnation as they may deem for the best interest of the city, and if they shall determine to let the building remain on said land for any given period, then they shall determine the value of the use of said land to the owner of said building for the time said building may be permitted to remain, which sum when ascertained, shall be deducted from the damages awarded for said building.

**303. Semi annual inspection of street lamps—New lamps, how ordered.**—Sec. 71. It shall be the duty of the board of public works, or some member thereof, in the months of May and October each year, to visit each oil street lamp and each gas street lamp and each electric light lamp for the support of which the city is paying, and to carefully note and make a record of the necessity or lack of necessity for the existence of the same; and said board, within ten (10) days next after said May, and also next after said October, shall report to the common council a list of said lamps and the location of the same, which, in the opinion of said board, the public interests and the economical management of said city are not necessary, and can be dispensed with; and also a list of said lamps and the location of each of the same which in its opinion are necessary and the public interest require should be sustained; and upon the receipt of this report it shall be the duty of said city council to forthwith, by resolution or ordinance, direct that the further use of said lamps and the lighting of the same which are reported necessary shall be sustained, and those which are not necessary shall be dispensed with; and in case said common council shall neglect to pass such resolution or ordinance, then all claim, right or demand against the city on the part of any person, company or corporation for the keeping of said lamps in said list lighted and in service shall cease, become void and determine. Said board shall make said list or report in duplicate and retain one copy thereof in its office as one of its records. Hereafter no new gas or oil or electric light shall be placed as ordered by the common council until the necessity for the same has been referred to the board of public works and said board, by a three-fourths (¾) vote, has reported that the same is necessary.

**304. Weekly reports by commissioner of public works—Eight-hour day—Residence.**—Sec. 72. The commissioner of public works shall cause to be prepared each week a schedule containing the name of each man and the owner of each team employed by him during the week next preceding said report, and the wages to be paid for each man and each team, and each day the nature and location of the work on which said men and teams are or are to be engaged; and said schedule shall be filed by said commissioner in his office and be open for inspection at any time during business hours by any tax-payer, and eight hours shall constitute a day's work for each man and team, and the common council shall have authority to fix the compensation therefor, and no such man or teams shall be employed unless said men and the owners of such teams shall have resided in the City of St. Paul for a period of not less than four months prior to the date of said employment. No supplies shall be purchased by the department of the commissioner of public works (which includes the street and sewer force) of said city until a requisition in writing has been obtained therefor from such commissioner; and the common council in disbursing the funds of said city shall see to it that the provisions of this section are strictly observed.

**305. Plats of condemned lands to be filed.**—Sec. 73. It is hereby made the duty of the board of public works, as soon as any assessment is confirmed in any proceeding for condemning any land by said city, or in condemning any slopes by said city, to make or cause to be made a certificate setting forth the general description of the lands condemned and the slopes taken by said city in said proceeding, and to make or cause to be made an accurate plat showing the lands and slopes taken by said city in said proceeding, and the president of said board and the clerk of said board shall each attach to said certificate and to said plat his official signature, and the seal of said board shall also be attached to said certificate and to said plat, and it shall be the duty of said board, and before a warrant is issued for the collection of any assessment in such condemnation, and before any further proceeding therein, to cause said certificate to be recorded in the office of the register of deeds of Ramsey county, and to cause said plat to be filed for preservation in the office of said register of deeds of Ramsey county, and the register of deeds of Ramsey county shall carefully file and preserve such plat in a book prepared for such purpose, and in recording said certificate he shall make a notation, upon the record thereof showing where said plat can be found in his office, and said register of deeds shall receive from the treasury of said city, for said service, the same fees as in other like cases for similar services.

**306. Acknowledgments.**—Sec. 74. The certificates issued on sales for local assessments need not be acknowledged.

**307. Adverse possession.**—Sec. 75. No right, title, estate or easement of the City of St. Paul in or to any property shall be prejudiced or lost by an adverse possession or occupancy.

**308. Stagnant ponds, how abated.**—Sec. 76. Whenever the commissioner of health shall report to the common council that stagnant or impure water stands upon any lot, lots or parcels of land, thereby creating a nuisance injurious to public health, the common council may refer said report to the board of public works. Upon such reference, said board shall then proceed to investigate the same, and if they shall determine that a nuisance does exist, by reason of any stagnant or impure water standing upon any lot, lots or parcels of land, and the same is injurious to public health, they shall report the same to the common council, accompanied by a plan for the abatement of said nuisance, together with an estimate of the expense, if real estate to be assessed for said improvement be found benefited to the extent of damages, costs and expenses necessary to be incurred thereby, and also send to the council a proper order directing the work to be done. And after the common council shall order the doing of said work, the same proceedings shall be had in relation thereto by the board of public works and city treasurer as in case of other local improvements as provided in this charter.

**309. Assessments must be completed.**—Sec. 77. It is hereby made the duty of the board of public works, after the approval by the common council of any contract let by the board of public works for any public improvement for which an assessment is to be made, to proceed without unnecessary delay to the completion and confirmation of the assessment for the damages, costs and expenses for said improvements.

**310. Improvements not assessable.**—Sec. 78. When the cost and expense of any of the following improvements, viz.: A change of grade, a condemnation of land for a street, public market, levee, alley, or a condemnation of an easement in land for slopes in cuts or fills does not exceed the sum of two hundred (200) dollars, the same shall be paid out of the general fund of the city.

**311. Sidewalks, annual contracts for.**—Sec. 79. It is hereby made the duty of the board of public works of the City of St. Paul to annually cause proposals to be published in the official paper of said city, in the same manner and for the same length of time as in the case of other public improvements, for the construction, repair and relaying of such sidewalk as may be ordered

built, repaired or relaid by the common council prior to the first day of November in each year.

Provided, however, that the board of public works may, whenever in their opinion the public interest will be subserved thereby, cause proposals for bids to be published in the official paper of said city, in the manner hereinbefore prescribed, and award a separate contract for the construction, repair and relaying of wood sidewalks; and also for one or more contracts for the construction, repair and relaying of sidewalks of stone, brick, cement, asphalt, composition or other permanent material. General plans and specifications applicable to all sidewalks that may be ordered built, repaired or relaid during the year by said common council shall be made and filed with the clerk of the board of public works at least ten (10) days before the day named for the receipt of said bids by the board of public works, and the work shall be let and placed under contract as now provided by law for the construction, relaying and repair of sidewalks for which an assessment is to be made, except that the bids for the construction, repair and relaying of said sidewalks shall be accompanied by a bond to the City of St. Paul in the sum of five thousand dollars (\$5,000), executed by the bidder and two (2) responsible sureties, conditioned that he will enter into and execute a contract to perform the work for the price mentioned in his bid, according to the plans and specifications, in case a contract shall be awarded him. And in case of default on his part to execute the contract and perform the work, said bond may be sued and judgment recovered thereon by the said city, for the full amount thereof, in any court having jurisdiction of the amount; and, except further, that the question of what constitutes the lowest reliable and responsible bidder must be determined by said board of public works, independent and exclusive of the bond required by this section. Whenever said common council shall pass a final order for the construction of such sidewalks, it shall be the duty of the board of public works, without any unnecessary delay, to transmit a copy of said order to the person or persons having the contract for the construction, repair or relaying of sidewalks, for the time being, who shall, without unnecessary delay unless the commissioner of public works shall be of the opinion that a good and sufficient sidewalk already exists in front of said property, cause the sidewalks so ordered constructed, relaid or repaired, by the common council, to be built, relaid or repaired as the case may be.

**312. Assessments for sidewalks.**—The said board shall, as soon as practicable after the construction, repair or relaying of said sidewalks, assess the amounts, as nearly as they can ascertain the same, which will be required to defray the cost of such improvement, including the necessary expense of making and collecting such assessment, upon the real estate or lots of land benefited by said improvement. When said assessment is completed, the said board shall give six (6) days' notice by one (1) publication in the official newspaper of the city, to the effect that at a time and place therein specified that said assessment will be confirmed, unless sufficient cause is shown to the contrary, and that objections must be filed one (1) day before such time of meeting with the clerk of said board. Such objections shall be made and filed in the same manner, and said board shall proceed in hearing the same, and have the same power to revise, correct, confirm or set aside such assessment, or proceed *de novo*, as provided in section sixteen (16) of this title. Said assessment, when confirmed, shall be final and conclusive, and no appeal shall lie therefrom. A warrant shall issue for the collection thereof, and said assessment shall be enforced and collected as other assessments made under this title.

**313. Contractor's neglect—Permits to property owners.**—Whenever the said contractor shall fail to build, repair or relay any sidewalk within the time designated by the board of public works, or in any other respect fail to comply with the terms of his said contract, the commissioner of public works, in the discretion of said board shall have power to furnish and use men and material to complete the work and charge the expense to the contractor, and the same shall be deducted from any money due him, or to be-

come due such contractor, or may be collected from him in a suit by said city, or said board of public works may readvertise for bids for the completion of the uncompleted part of said contract, and let a contract in the same manner as hereinbefore provided in the original contract. In case the said contractor shall proceed to properly perform and complete his said contract, and all the provisions, clauses, matters and things therein contained, the said board of public works may, upon said contractor filing with the commissioner of public works an affidavit that all work, labor and material for which an estimate is asked is fully paid for, from time to time, as the said work progresses, grant to said contractor every thirty (30) days an estimate of the amount already earned, reserving, however, fifteen (15) per cent therefrom. Provided, however, that said fifteen (15) per cent shall be included in the final estimate allowed said contractor. Provided further, however, that nothing in the foregoing section shall be construed to prevent any property owner from constructing its, his or her own sidewalk, at its, his or her own expense, under the authority and direction of the commissioner of public works, and said commissioner is hereby authorized to grant to such property owner a permit so to do. In case a final order shall have been made by the common council for the construction, relaying or repairing of any sidewalk, the owner of the property where such sidewalk is to be constructed, relaid or repaired, under such order, may, at its, his or her own expense, construct, relay or repair, as the case may be, such sidewalk, over or along its, his or her property forthwith in conformity to the said order, upon complying with the following conditions: Such property owner electing to construct, relay or repair its, his or her own sidewalk, as aforesaid, shall file with the commissioner of public works a written notice, subscribed by such owner or its, his or her agent, within ten days after the passage of said final order of its, his or her intention to construct, relay or repair, as the case may be, its, his or her own sidewalk, and it shall thereupon be the duty of the commissioner of public works to grant to such person a permit so to do, within thirty days from a day or time to be specified in said permit. The said work shall be done under the supervision and direction of the commissioner of public works, and such commissioner shall give prompt notice to the city contractor of the permit so issued by him. Such owner having complied with all the requirements of this proviso, and within the said period of thirty days, shall be exempt from any assessment on account of the sidewalk so constructed, relaid or repaired by him as aforesaid. In case the said owner shall fail to comply with this proviso, in whole or in part, the city contractor shall proceed to construct, relay or repair the sidewalk over or along the property of such owner as directed in said final order, and the property of such owner benefited by such improvement shall be assessable therefor to the extent of such benefits.

**314. Proposals for improvements—Advertisement—sealed bids—Bond or certified check.**—Sec. 80. Whenever any public improvement shall be ordered for which an assessment is to be made the said board of public works shall cause proposals for doing said work to be advertised for in the official paper of said city, a plan or profile of the work to be done, accompanied with specifications for the doing of the same being first deposited with the clerk of said board, to be kept by him at all times open for public inspection; which advertisement shall be published for at least ten (10) times in said official paper, and shall state substantially the work to be done. The bids for the doing of such work shall be sealed bids, directed to the board of public works of the City of St. Paul, and shall be sealed in such manner that they cannot be opened without detection, and shall be accompanied by a bond to the City of St. Paul in a sum not less than twenty (20) per cent of the cost of the work, according to the price bid, as nearly as can be ascertained, executed by the bidder and two (2) responsible sureties, conditioned that he shall execute the work for the price mentioned in his bid and according to plans and specifications, in case the contract, shall be awarded to him. And in case of default on his part to execute the contract and perform the work, said bond may be sued and judgment recovered thereon by the said city, for the full

amount thereof, in any court having jurisdiction of the amount. Said bids shall be opened by said board at their next meeting after the time limited by such proposals, or such other time thereafter as said board may appoint, and it is hereby made the duty of the board of public works, in case of the default hereafter of any contractor to complete his contract with the city within the time limited in said contract, to cause suit to be commenced forthwith, upon the bond executed and delivered to the city, in accordance with the provisions of this section.

Provided, that in lieu of the bond in this section provided for, the bidder may deposit with said bid a duly certified check upon any of the banks of the City of St. Paul, payable to the clerk of said board, for the use of the City of St. Paul. Such check shall be for ten (10) per cent of the amount bid, as nearly as can be ascertained. All checks shall be returned to the person depositing the same after the bids are opened, except that of the successful bidder, which shall be retained as a guaranty that he will enter into a contract with the City of St. Paul for the performance of the work ordered to be done. The said check so retained shall be returned to the successful bidder as soon as he shall have entered into a contract for the doing of said work.

**315. Award of contracts—Patent pavements.**—Sec. St. All contracts shall be awarded to the lowest reliable and responsible bidder or bidders who have complied with the requirements of the preceding section, and who shall have guaranteed to the satisfaction of said board, except in the case of patent pavement or pavements, when in such case the notice for bids may call for wood, stone or other kind of pavement, and when all the proposals therefor are in the board may select the one which is relatively the lowest or most satisfactory, all things considered, and the decision of the board therein shall be final. If the pavement selected is patented, the said board shall require a license from the patentee to lay and relay the same for all time thereafter free from all claims for royalty. Whereupon a contract shall be made on the part of said board in the name of the City of St. Paul, and shall be executed on the part of said city by the president of said board, or such other members as said board may designate, and the seal of said board shall be thereto attached, and the said contract shall be countersigned by the city comptroller. Said contract shall be filed in the office of the city comptroller. Provided, however, that the said board may reject any bid which they shall deem unreasonable or unreliable, and that said board in determining the reliability of a bid shall consider the question of the responsibility of the bidder and his ability to perform his contract, without any reference to the financial responsibility of the sureties on the bond. Provided, further, that no contract shall be awarded except upon or by vote of at least two-thirds (2-3) of the members of said board in favor thereof. And provided, further, that no contract shall be awarded except with the approval of the common council by two-thirds (2-3) of the members thereof elect.

**316. Improper construction, remedy for—Payments on contracts—Paving repairs.**—Sec. 82. The said board of public works shall reserve the right in their said contracts, in case of improper construction, to suspend the work at any time and relet the same, or to order the entire construction of the same if improperly done. In cases where the contractor or contractors shall proceed to properly perform and complete the said contracts the board of public works may, from time to time (not oftener than once a month, except final estimates, which may be given and allowed at any time after the allowance of the preceding estimate), as the work progresses, grant to said contractor or contractors an estimate of the amount already earned, reserving fifteen (15) per cent therefrom, which shall entitle said contractor or contractors to receive the amount which may be due thereon, when there is money applicable to the payment of such work. When the whole work has been completed by such contractor or contractors to the satisfaction of the board of public works, the amount or balance due him shall be audited by the comptroller and allowed by the common council of said city, and shall be payable out of the moneys applicable to the payment of such work. Provided,

however, that in case of contracts for paving streets the board of public works are authorized to retain such sum and upon such conditions and for such lengths of time as may be agreed upon, for the keeping of said pavements in repair.

#### TITLE 4.

##### Sewerage.

**317. Council may establish or alter general systems.**—Section 1. The common council of the City of St. Paul shall have power to establish and maintain at any time, and from time to time, any general system or systems of sewerage for said city in such manner and under such regulations as said council may deem expedient, and such system or systems of sewerage, to alter or change from time to time, as said council may deem proper.

**318. Connecting sewers.**—Sec. 2. Sewers connected or intended to be connected with such general system or systems of sewerage may from time to time be ordered by said council, to be constructed by the board of public works of said city, in the same manner and under the same regulations as in the case of other improvements of said city.

**319. Cost shall be assessed—Appropriations from general fund.**—Sec. 3. The cost of constructing, altering or repairing any of the sewers or improvements herein provided for or referred to, as nearly as can be ascertained, together with the necessary expenses of making the assessment, shall be assessed by the board of public works of said city upon the real estate benefited thereby, and enforced and collected in the manner and under the regulations provided by law for other local improvements of said city. Provided, however, that the said common council may order the constructing, altering or repairing sewers, or such part of them, or such proportion of the cost thereof, as said council may deem expedient to be paid by said city at large out of the general fund.

**320. Lateral connections—Sewer, water and gas connections in streets to be paved.**—Sec. 4. That the municipal corporation of the City of St. Paul is hereby authorized, whenever a sewer is ordered built, to include in such order the construction as far as the property lines of all the lateral connections and private drains that may be deemed expedient or necessary, or whenever a street is ordered paved, to include in such order the construction as far as the property lines of all sewer, water and gas connections that may be deemed expedient or necessary.

Sec. 5. That the cost of this work shall be assessed upon the property benefited, in the same manner as any other local improvement.

**321. Other sewers may be built.**—Sec. 6. Nothing herein contained shall be construed as abridging the power of said City of St. Paul to construct, or order to be constructed, such sewers or drains other than those before mentioned as may be deemed expedient.

**322. Duties of health officer as to sewers.**—Sec. 7. It shall be the duty of the board of health of said City of St. Paul, from time to time, to investigate and report to the common council where improved drainage and sewerage is necessary to the public health, and what nuisances exist which are the result of defective drainage or sewerage, and the common council may, by a two-thirds (2-3) vote, order the construction of such sewers as are needed to preserve the public health, and to remove nuisances in accordance with the reports and recommendations of the board of health.

The cost of constructing, altering or repairing any sewer as aforesaid, as nearly as can be ascertained, together with the necessary expenses of making the assessment, shall be assessed by the board of public works of said city upon the real estate benefited thereby, and enforced and collected in the manner and under the regulations provided by law for other local improvements. Provided, however, that if the board of public works shall be of



the opinion that the property cannot be found benefited to the extent of the cost and expenses of said improvement, the common council may order any deficiency which may be reported by the board of public works of the cost and expenses over and above the property benefited to be paid out of the general fund.

**323. Easements by condemnation for sewers, roadways, car tracks, etc.—**Sec. 8. Whenever the common council of said city may deem it necessary to cross private property and to construct a sewer thereon for the purpose of securing a proper line for sewerage, the City of St. Paul may acquire by condemnation, and may take, possess, have and hold an easement in, over, under and across such private property, for the purpose of constructing, altering, protecting, repairing and keeping in repair such sewer, and like proceedings shall be had by the common council and the board of public works, for the condemnation of such easement, as are now by law had for the taking of property for the opening, widening, extension or altering and straightening of streets, and the damages awarded to the owner of said property for such easement shall be paid out of the general fund.

And whenever the board of public works of said city may deem it necessary to cross any private property with a roadway or car track, for the purpose of grading any street or alley, not otherwise conveniently accessible, the City of St. Paul may, with like proceedings as are now had by law for taking property for the opening, extension, widening, constructing, altering and straightening of any street, take, acquire, possess, have and hold an easement over and across said property, for the purpose of gaining access to the street or alley required to be graded, for such time as it may be necessary to do the work, and the amount of the assessment for damage accruing to the owner or owners of said land for such easement shall be paid by the contractor doing the work.

## TITLE 5.

### Street Grades.

**324. Council shall establish.**—Section 1. The common council shall cause to be established, under the direction of the commissioner of public works, the grade of all streets, sidewalks and alleys in said city, and shall cause accurate profiles thereof to be made, one (1) of which shall be filed in the office of the register of deeds of Ramsey county, and one (1) shall be kept in the office of the said commissioner of public works.

**325. Street grades may be altered.**—Sec. 2. Such grade may at any time thereafter be altered by a two-thirds (2-3) vote of all the members elect of each body of the common council, after the body of the common council in which the matter of said proposed alteration originated has caused notice to be given, by publication in the official newspaper of said city for three (3) successive weeks, at least twice in each week, of the time and place where the said body in which said matter of alteration originated will consider such proposed alteration.

Provided, however, that no change of grade ordered by the common council shall take effect and be consummated until the board of public works shall have made and confirmed the assessment of damages and benefits resulting from such change of grade; and provided, further, that the common council may annul any order for a change of grade at any time prior to the confirmation of the assessment for such change of grade by the board of public works.

**326. Damages and benefits.**—Sec. 3. After such alteration shall have been finally determined as herein provided, the common council shall refer the matter to the board of public works to assess the damages, if any, to property occasioned by such alteration, and also to determine what real estate, if any, will be benefited by such alteration, and to assess upon such

property benefited the amount of such damages, together with the costs of proceedings.

**327. Assessment by board of public works.**—Sec. 4. Upon such order of reference of the common council being transmitted to said board of public works, the said board shall make such assessment of damages and benefits in the same manner, and after giving the like notice, as near as may be, as in the case of improvements, requiring the appropriation and condemnation of land or real estate as provided in this charter; and when completed said board of public works shall proceed to confirm the said assessment in manner provided by section 16 of Title III of Chapter VI of this charter, and shall have all the power to correct, revise, confirm, set aside or proceed de novo in said matter, and all other powers therein given and provided, and the same proceedings, as nearly as may be, shall be had as are prescribed in said section 14.

**328. Appeals.**—Sec. 5.—Any party aggrieved by such assessment of damages may appeal under the same regulations and restrictions, and in the same manner provided in section 17 of Title III of Chapter VI of this charter, but such appeal shall not operate to stay any of the proceedings in the matter of such alteration.

**329. Collection and enforcement.**—Sec. 6. All assessments of benefits aforesaid shall be collected and enforced in the same manner as in the case of other local improvements provided for in this charter.

## TITLE 6.

### Street Sprinkling.

#### I.

**330. Legislative enactment in force until January 1, 1901.**—All of the provisions of Title IV of Chapter VII of the Special Laws of the State of Minnesota for the year 1887, approved March 1, 1887, entitled: "An Act to amend chapters six (6) and seven (7) of an act entitled 'An act to reduce the law incorporating the City of Saint Paul, in the County of Ramsey and State of Minnesota, and the several acts amendatory thereof and certain other acts relating to said city, into one act,' approved March fifth (5th), one thousand eight hundred seventy-four (1874), and the several acts amendatory thereof," are hereby continued in force and adopted as a part of this charter, until the first day of January, 1901. Provided, however, that for the purpose of insuring the levying, enforcement and collection of assessments for street sprinkling during the year 1900, and for such purposes only, all the provisions of said act relating to the levying, enforcement and collection of assessments are continued in force and adopted as a part of this charter beyond said first day of January, 1901, and until all proceedings relating to the collection of assessments levied for the sprinkling of streets during the year 1900 are finally completed, and the provisions of said act so continued in force are as follows:

**331. Power of council.**—"Section 1. The common council shall have the power to sprinkle the streets, avenues, levees, lanes, alleys, parks and other public grounds of said city, or any part thereof.

See amendment p. 86. Adopted May 5, 1908.

**332. Sprinkling districts.**—"Sec. 2. For the purpose of sprinkling provided for in section one (1) of this title, it is hereby made the duty of the board of public works, as soon after the passage of this act as practicable, and annually thereafter, to divide said city into three (3) or more sprinkling districts, without reference to ward lines. Said districts shall be designated by numbers, as follows, to-wit: Sprinkling District Number One (1); Sprinkling District Number Two (2); Sprinkling District Number Three (3), etc.

**333. Proposals for sprinkling.**—"Sec. 3. The board of public works shall

annually cause proposals to be advertised for in the official paper of said city in the same manner and for the same length of time as in the case of other public improvements, for the sprinkling of any and all streets, avenues, levees, lanes, alleys, parks or other public ground, or any part thereof, in each and all of said sprinkling districts which may be ordered sprinkled by the common council in each year. General plans and specifications applicable to all sprinkling that may be ordered done in each of said districts during the year by said common council shall be made and filed with the clerk of the board of public works. And the sprinkling shall be let and placed under contract in the same way and manner as is now provided by law for other local improvements provided for in this act, except that the bids for sprinkling shall be accompanied by a bond to the City of St. Paul in the sum of three thousand dollars (\$3,000.00), executed by the bidder and two responsible sureties, conditioned that he will enter into and execute a contract to perform the work for the price mentioned in his bid, according to the plans and specifications, in case a contract shall be awarded to him. And in case of default on his part to execute the contract and perform the work, said bond may be sued and judgment recovered thereon by said city for the full amount thereof, in any court having jurisdiction of the amount.

**334. Award of contracts.**—"Sec. 4. Contracts for sprinkling shall be awarded to the lowest reliable and responsible bidder, reference being had solely to the reliability and responsibility of the bidder to perform his contract, without regard to his sureties. Provided, however, that the board of public works may reject any and all bids which they shall deem either unreasonable or unreliable. And provided, further, that no contract shall be awarded except with the approval of a majority of the members elect of the common council. Said bond may be sued and judgment recovered thereon by said city for the full amount thereof, in any court having jurisdiction of the amount.

**335. Council may order.** "Sec. 5. The common council of said city may order sprinkling to be done whenever and wherever they deem the public interest, for sanitation or other cause, require it, without reference to the board of public works for a report upon the necessity or propriety thereof. Whenever said common council shall order any sprinkling to be done, a copy of such order shall be transmitted to the board of public works, whose duty it shall be, without any unnecessary delay, to cause the sprinkling contractor to be notified thereof, and to cause said sprinkling so ordered by the common council to be done, and it shall be the duty of the city engineer to cause said sprinkling to be duly inspected and done and performed in accordance with the contract, and to report the fact to the board of public works, who shall cause an assessment to be made for said sprinkling, as hereinafter provided.

**336. Assessments.**—"Sec. 6. At the first meeting in each and every month, unless otherwise ordered by the board, they shall give at least ten (10) days' notice by two (2) publications in the official newspaper of the city to the effect that at a certain time and place they will proceed to make an assessment for sprinkling. Said notice shall briefly describe the location of the streets sprinkled by streets and districts; the said board shall assess the amount, as nearly as they can ascertain the same, which shall be required to defray the cost of such sprinkling, including the necessary expense of making and collecting such assessments, upon the real estate or lots of land fronting on said improvement, without regard to the cash valuation thereof, or whether the same shall be improved or otherwise. In making said assessment the said expense and cost shall be apportioned pro rata upon the lineal feet of said real estate or lots of land fronting on said improvement aforesaid. When said assessment is completed the said board shall give six (6) days' notice by two (2) publications in the official newspaper of the city, to the effect that at a time and place therein specified said assessment will be confirmed, unless cause is shown to the contrary, and that objections must be filed one (1) day

before such time of meeting, with the clerk of said board. Such objections shall be made and filed in the same manner, and said board shall proceed in hearing the same, and have the same power to revise, correct, confirm or set aside such assessment, or proceed de novo, as provided in section fifteen (15) of title one (1) of this chapter. Said assessment shall issue for the collection thereof, and said assessment shall be enforced and collected as other assessments made under title one of this chapter.

**337. Neglect of contractor.**—"Sec. 7. Whenever (the) said contractor shall fail to do and perform the sprinkling contract to be done by him within the time designated by the board of public works, or in accordance with the terms and provisions of his contract, or in any other respect fail to comply with the terms of his (said) contract, the said board of public works shall have power to furnish (and use) men and material to complete the work and charge the expense to the contractor; and the same shall be deducted from any money due him, or to become due such contractor, or may be collected from him in a suit by said city, or said board of public works may re-advertise for bids for the completion of the unexpired term of said contract, and let a contract in the same manner as hereinbefore provided in the original contract. In case the said contractor shall proceed to properly perform and complete his said contract, and all the provisions, clauses, matters and things therein contained, the said board of public works may, upon said contractor filing with the city engineer an affidavit that all work and labor for which an estimate is asked is fully paid for, from time to time, as the said work progresses, grant to said contractor, every thirty (30) days, an estimate of the amount already earned, reserving, however, fifteen (15) per cent therefrom. Provided, however, that said fifteen (15) per cent shall be included in the final estimate allowed said contractor."

## II.

**338. Sprinkling provisions in force after January 1, 1901.**—Section 1. The common council shall have the power to cause the streets, avenues, lanes and alleys of said city, or any part thereof, to be sprinkled, and shall annually, by taxation, commencing with the year 1901, create a fund to defray the cost of sprinkling the streets of said city, but the cost of such sprinkling shall not in any one year exceed the amount provided therefor in the tax estimate for such year.

**339. Districts—Plats.**—Sec. 2. The commissioner of public works, shall, in the month of January in each year, beginning with the year 1901, divide said city into three (3) or more sprinkling districts, without regard to ward lines, and shall determine the total number of lineal feet of the streets, avenues, lanes and alleys in each district which, in his judgment, require to be sprinkled during the then current year, and shall estimate the cost of such sprinkling in each district, but said commissioner shall have no power to designate the particular streets, avenues, lanes or alleys which shall be sprinkled. Said commissioner shall cause two (2) plats to be made showing the lines of said sprinkling districts, and shall attach to or endorse upon such plats a statement of the number of lineal feet to be sprinkled in each district and his estimate of the cost thereof, one of which plats and statements he shall transmit to the common council and the other of which shall be filed in the office of said commissioner.

**340. Contracts for sprinkling.**—Sec. 3. Until the common council shall otherwise determine, as hereinafter provided, a contract or contracts shall annually be let for the doing of such sprinkling as may be ordered by the common council in each year in each of said districts said contract shall be let as follows: The said commissioner shall prepare and file in his office, and keep open to public inspection, general plans and specifications applicable to the sprinkling which is required to be done in all of the sprinkling districts. The commissioner shall then give public notice, for at least ten (10) days,

by one (1) publication in the official paper of said city, inviting proposals for the doing of all sprinkling which shall be ordered by the common council during the then current year in each of the said sprinkling districts, which notice shall reserve to said commissioner the right to reject any and all bids. The said commissioner may, in his discretion, call for separate proposals for the sprinkling to be done in each district, or he may invite proposals for doing the sprinkling in two or more of such districts, under one contract. Each bidder shall submit with his bid a check payable to said city, duly certified by a solvent bank, or a bond, either of which shall be in the amount which shall be specified in the specifications, running to the City of Saint Paul and conditioned that he will enter into and execute a contract to perform the work for the price mentioned in his bid, according to the plans and specifications, in case a contract shall be awarded to him, which bond shall be approved by said commissioner. All proposals shall be publicly opened by said commissioner at the time and place specified in the advertisement, and he shall then award the contract to the lowest responsible bidder, such award, however, must be approved by a two-thirds (2-3) vote of all members of the common council. Upon a contract being so approved by the common council, the contractor shall execute a bond to the City of Saint Paul, which shall not be less in amount than the estimated cost of the sprinkling to be done in the districts covered by such contract, according to the estimate made by the commissioner of public works, and said bond shall be executed, approved and conditioned as provided by Chapter XV of this charter for bonds of all persons furnishing work and materials to said city. A formal contract shall then be made between the said city and said contractor, which shall be executed on the part of said city by said commissioner, which contract shall also be countersigned by and filed in the office of the city comptroller.

**341. Neglect or failure of contractor.**—Sec. 4. Whenever any sprinkling contractor shall fail to do and perform a sprinkling contract within the time provided therein, or in accordance with its terms and provisions, the said commissioner shall have power to furnish and use men and materials to complete the work and charge the expense to such contractor, and such expense shall be deducted from any moneys due or to become due such contractor, or may be collected from him in a suit brought by said city against him and the sureties upon said bond; or said commissioner may readvertise for bids for the completion of the unexpired term of said contract, and in such case, a contract shall be let in the same manner as hereinbefore provided for the original contract. The said sprinkling contractor shall be paid monthly on bills approved by the said commissioner.

**342. Council may order.**—Sec. 5. The common council of said city may by a resolution passed by three-fourths ( $\frac{3}{4}$ ) vote of each body thereof, order sprinkling to be done whenever and wherever they deem the public interest requires it, within each of the sprinkling districts so established by the commissioner of public works. Provided, however, that the common council shall have no power to order to be sprinkled in each sprinkling district a greater number of lineal feet of streets, avenues, lanes and alleys than the number determined and fixed for such district by said commissioner. Whenever said common council shall order any sprinkling to be done, a copy of such order shall be transmitted to said commissioner, whose duty it shall be, without any unnecessary delay, to cause the sprinkling contractor to be notified thereof, and to cause said sprinkling so ordered by the common council to be done in accordance with said contract.

**343. Municipal sprinkling plant.**—Sec. 6. The common council shall have power, whenever it shall deem it to be for the public interest, to establish and thereafter maintain, under the direction of said commissioner of public works, a plant or outfit, including all necessary horses, wagons and other appropriate apparatus and material for the doing of street sprinkling, under the immediate direction and supervision of the said commissioner, and without the letting of a contract therefor. The first cost of establishing such plant

or outfit, and purchasing the necessary horses, wagons and other apparatus and material, shall be paid out of the general fund of said city, but the cost of thereafter adding to or maintaining said plant or outfit and of doing all the sprinkling required to be done in each of said sprinkling districts shall be paid out of the fund raised by taxation for sprinkling purposes, as hereinbefore provided. After the common council shall have established a municipal plant or outfit for the doing of sprinkling as aforesaid, the commissioner or the said common council shall have no authority for a period of two (2) years thereafter to let any contract for such work, but all of such work during such time shall be done directly under the superintendence of the commissioner of public works.

Adopted at City Election May 5th, 1908.

#### AMENDMENT NO. 1.

Amend subdivision one (1) of Title six (6) of Chapter VI., so as to read as follows:

"Section 1. The Common Council shall have the power to sprinkle and cause to be sprinkled, in such manner and to such extent as it may direct, the streets, alleys, parks, parkways and public grounds of said city, or any part thereof, without reference to or report from the Board of Public Works. It shall be the duty of the Commissioner of Public Works each year to employ the necessary men and teams therefor, and, by use of the city sprinkling plan, to sprinkle such portions of the streets, alleys, parks, parkways and public grounds of the city, and for such length of time as the Common Council may, by resolution, order and direct, within the limits of the fund applicable thereto, and he shall cause such work to be properly inspected as it progresses.

"Said Commissioner shall keep an accurate account of the actual cost of doing all such sprinkling, and the amount thereof, as nearly as the same can be ascertained, together with the cost of inspection and of making and collecting the assessment, shall be, each year, assessed upon and against the real estate or lots of land fronting on said improvement, without regard to cash valuation thereof, or whether the same shall be improved or otherwise.

"In making said assessment the said cost and expense shall be apportioned pro rata in accordance with the length of time such sprinkling has been or is to be done, each year, upon the lineal feet of said real estate or lots of land fronting on said improvement, and when so assessed, as hereinafter provided, the same shall constitute and be a lien upon and against the land so assessed until the same is paid.

"The said Commissioner of Public Works shall, on or before the 15th of October, in each year, accurately compute, upon the basis above provided for, the amount of such assessment against each piece or parcel of land so assessable for said improvement for the current year, and set such amount opposite the description thereof.

"Said Commissioner shall, not later than October 15 of each year, certify and deliver to the Auditor of Ramsey County, Minnesota, a complete list of said descriptions and amounts so computed as aforesaid.

"Said Auditor shall thereupon extend the respective amounts as shown in said certified list in the proper columns in the general tax records of said county, against the respective pieces or parcels of land indicated in said list so certified by said commissioner, and such amounts shall be included and collected with the general taxes against the property the next succeeding year, in the same manner as such general taxes are collected and enforced, and the laws of this state relating to the collection and enforcement of general taxes shall be applicable thereto, provided that exemption from general taxation shall not relieve any property from liability for the assessments herein authorized. Such assessments, together with all penalties and interest thereon, when collected, shall be paid over by the Treasurer of Ramsey County to the Treasurer of the City of St. Paul, and shall be placed by him to the credit of the Sprinkling Fund.

"The Common Council, may, for the purpose of making provision for

payment of the cost of such sprinkling, until such time as the assessments therefor can be collected, include in the general tax levy not exceeding sixty thousand dollars (\$60,000) for the year 1909, and not exceeding forty thousand dollars (\$40,000) for the year 1910; not exceeding ten thousand dollars (\$10,000) from these amounts may be used for enlargement of the city sprinkling plant if the Common council shall deem it necessary.

"The levying and collection of such taxes shall in no way prevent the making and collection of the assessments for sprinkling herein provided for, but the amount so derived from general taxation, except as above provided, together with the proceeds of such assessment, when collected, shall be set aside in the City Treasury and be preserved as a fund from which the current cost of such sprinkling may be paid in advance of the collection of the annual assessments therefor.

"The Commissioner of Public Works may, with the approval of the Common Council, employ such clerical assistance as shall be necessary to enable him to prepare said assessment roll for delivery to the County Auditor, the expense thereof to be paid from the Sprinkling Fund.

"The power conferred under subdivision two (2) of this title shall not be exercised unless the Common Council shall by a two-thirds vote of each body, decide to proceed thereunder."

## TITLE 7.

### Excavations in Streets.

**344. Rules and regulations—Licenses.**—Section 1. The commissioner of public works shall, subject to the authority of the common council, prescribe reasonable rules, regulations and conditions for tapping and making connection with sewer, gas, water or steam pipes or mains, and all other underground conduits, subways or works lawfully maintained within or under any of the streets, alleys or public grounds of the city, and for the protection and maintenance thereof, and for excavating within or under any such streets, alleys or public grounds, or removing or disturbing any part of the surface thereof. Said commissioner shall also have power to grant licenses for any such purpose, upon the payment of such fees and under such penalties for a violation thereof as the common council may by ordinance prescribe.

**345. Bond for license.**—Sec. 2. It shall be unlawful for any person, partnership or corporation to do any of the work or make any of the improvements mentioned in the next preceding section without first having obtained a license therefor from said commissioner of public works, and no such license shall ever be granted except upon written application first made therefor. Such application shall be accompanied by a bond in the sum of at least five thousand (\$5,000) dollars, executed by such applicant to the City of St. Paul, with two or more responsible individuals as sureties, or such surety shall be a corporation authorized by its charter to guarantee the performance of the terms and conditions of said bond, which bond shall be approved by the said commissioner and the corporation attorney of said city, and filed with said commissioner, and shall be conditioned that said work or improvement for which the license is desired shall be made and done in accordance with the provisions of such license and the rules, regulations and conditions prescribed by said commissioner; and also further conditioned to protect and save the city harmless from and against any and all liability, damages and expense which said city may sustain by reason of the granting of such license or the making or doing of such improvement or work; provided, however, that this section shall not apply to any improvement or work made or done by said city or any of its officers or departments.

**346. Regulations concerning licenses.**—Sec. 3. All licenses granted by said commissioner under any of the provisions of this title shall contain the name of the licensee, a description of the locality, purpose and extent of the proposed work or improvement, a limitation of time for which such license

shall be operative, and such further terms and conditions as, in the opinion of the said commissioner, the public interests may require. And whenever any such proposed improvement or work shall require the opening up, removal or other displacement of any part of the surface of any macadamized or paved street, alley or public ground, said commissioner shall, before granting such license, make an estimate of the expense thereof and of restoring such macadamized or paved street, alley or public grounds to the previous good condition thereof. And before issuing any license in such case said commissioner may, in his discretion, require such applicant to deposit with him a sum of money or check payable to the order of said city, and duly certified by a solvent St. Paul bank, in an amount equal to said commissioner's estimate of the expense of such work, which amount shall in such case be specified in such license. And such money or check shall forthwith be deposited by said commissioner with the city treasurer, and shall be retained by said city as security for the faithful compliance on the part of such licensee with the rules, regulations and conditions of said commissioner and all the provisions of this title and the terms and conditions of his license, and such deposit shall be in lieu of a similar condition in such licensee's bond.

**347. Licenses may be revoked or denied.**—Sec. 4. Any such license mentioned in the last preceding sections shall be revocable at any time by said commissioner of public works or by resolution of the common council, for failure on the part of the grantee thereof to fulfill or comply with any of the terms or conditions thereof. And it shall be unlawful for any person, partnership or corporation to open up or otherwise remove or displace any part of the surface of any macadamized or paved street, alley, or public grounds, except pursuant to and in conformity with such license; provided, however, that said commissioner, under and pursuant to the authority of the common council first vested in him, may refuse to issue any such license and may cause such work to be done under his personal supervision, by day's labor or pursuant to contract awarded in the manner prescribed by this charter in the case of other local improvements, as nearly as practicable, in which case the expense of such work shall be defrayed out of the money or check which such applicant shall be required to previously deposit for such purpose, as aforesaid.

**348. Restoration of surface of street.**—Sec. 5. Upon the completion of any such work or improvement mentioned in the four last preceding sections, to the satisfaction of said commissioner, and the restoration of any such macadamized or paved street, alley or public grounds to the previous good condition thereof, the money or check so deposited as aforesaid shall be returned to such licensee by resolution of the common council passed pursuant to the recommendation of said commissioner. But if such work should not be completed by such licensee under and in pursuance of the terms and conditions of his license and the provisions of the last four sections, on account of the revocation of such license or the refusal of such licensee to comply therewith, or for any other cause, then said commissioner shall have full power and shall proceed forthwith to complete such work and to restore the macadam surface or pavement thereby opened up, removed or displaced to its previous good condition, and to defray the expense thereof out of such money or check so deposited with him as aforesaid; and such licensee shall in such case be entitled to a return of only such balance thereof, if any, which shall remain unexpended after the completion of such work and the restoration of such pavement as aforesaid. In the event that said commissioner shall have accepted a bond in such case in lieu of a sum of money or check, it shall be the duty of the corporation attorney, upon the completion of such work and the restoration of such pavement by said commissioner to forthwith proceed to collect the expense thereof from such licensee and his sureties and pay the same into the general fund of said city, out of which such expense shall temporarily be defrayed in such case.



## CHAPTER VII.

### Police Department.

#### I.

##### Organization.

**349. How constituted—Tenure.**—Section 1. The police department of the City of St. Paul shall consist of a board of police, a chief of police, a police force and such clerks and employes as shall be necessary to carry into effect the provisions of this chapter.

Sec. 2. Except as in this chapter otherwise provided, all members of said police department shall hold office during the pleasure of said board.

#### II.

##### Board of Police.

**350. Appointment, qualifications, compensation.**—Section 1. The administration, management and control of said police department shall be vested in a board of police, consisting of five police commissioners, who shall be appointed by the mayor, and shall serve without compensation. No person shall be appointed such police commissioner who shall not have been a freeholder and elector of said city for at least one (1) year next preceding his appointment, and no such police commissioner shall hold any other office under the government of said city, during his term of office.

**351. Term.**—Sec. 2. The term of office of said police commissioners shall be five (5) years and until their respective successors are appointed and qualified. Provided, however, that the first board of police commissioners shall be appointed not earlier than forty days nor later than sixty days after this charter shall have been adopted, and shall hold office respectively for the term of one (1), two (2), three (3), four (4) and five (5) years, as the mayor shall designate when making said appointments, and until their respective successors are appointed and qualified; provided, further, that until the appointment and qualification of the first board of police herein provided for, all the powers and duties of the said board shall be exercised and performed by the mayor of said city, except that all appointments to and removals from the police force made by said mayor during said period shall be subject to confirmation by the common council.

**352. Vacancies.**—Sec. 3. Whenever any vacancy shall occur upon said board of police, the mayor shall, as soon as practicable thereafter, appoint a person of like qualifications as aforesaid, to serve during the unexpired term of the office thus left vacant, and until a successor shall be appointed and qualified.

**353. Oath.**—Sec. 4. Each commissioner shall qualify by taking and subscribing the oath prescribed by the General Statutes of Minnesota for other than judicial officers, and by filing the same in the office of the city comptroller within ten (10) days after notice of his appointment. And failure so to qualify within said time, shall be construed as a refusal to accept such appointment.

**354. Officers.**—Sec. 5. Said board shall elect of their number a president and vice president, and a secretary not a member thereof, whose respective terms of office and duties shall be prescribed by the by-laws of said board. Only said secretary shall be compensated for his services, in an amount to be fixed by said board. The treasurer and comptroller of said city shall respectively be ex officio treasurer and comptroller of said board.

**355. Detailed accounts—Contracts.**—Sec. 6. The secretary of said police board shall under its direction, at all times keep accurate and detailed accounts of the affairs and finances of said police department, the number of prisoners arrested, convicted and discharged, and the number of officers, employes and members of said department, and shall keep separate accounts as aforesaid for each of the police stations, substations, districts or precincts now existing or hereafter created by said board.

The said treasurer shall receive all moneys paid into the city treasury by said police board, and shall keep accurate and detailed accounts thereof, in such manner as to show at all times the exact financial condition of said police department.

The said comptroller shall keep accurate and detailed accounts of all receipts and expenditures of said board. He shall countersign all contracts and all warrants or orders drawn upon said treasurer by authority of said board, all of which shall first be signed by the president and secretary of said board. Said comptroller shall also keep an account with said treasurer of all the finances of said board.

All contracts of said police board exceeding two hundred (200) dollars in amount, except for wages or salaries, shall be in duplicate, and one copy thereof shall be filed in the office of said comptroller.

**356. Quorum.**—Sec. 7. A majority of said board shall constitute a quorum to transact business, except that all expenditures of money shall be authorized only by a vote of four-fifths (4-5) of all members of said board.

**357. Park police.**—Sec. 8. Nothing in this chapter contained shall give said board of police commissioners jurisdiction over such police force as the board of park commissioners of said city may at any time lawfully organize or maintain; but jurisdiction over such park police shall remain where the same is now or may hereafter be vested by law.

### III.

#### Powers and Duties of Police Board.

**358. General powers and duties.**—Section 1. The said board of police shall have power:

1. To appoint, promote, suspend, disrate, reprimand, dismiss or otherwise punish any member of said police department in the manner hereinafter provided, and to require a bond from any member of said department and prescribe the conditions thereof.

2. To establish, promulgate, alter and repeal by-laws not inconsistent with the constitution and laws of this state and the provisions of this charter, for its own government and reasonable orders, rules and regulations for the government, administration, discipline, equipment and uniforming of the said police force and department, and to prescribe and impose penalties for the violation thereof.

3. To acquire, maintain, control, manage and alienate or otherwise dispose of all personal property of said city now or hereafter pertaining to said police department, subject to law and limitation of this charter.

4. To provide for the destruction or other disposition of all such property coming into the custody of said department as shall consist of weapons, implements, apparatus or any other articles which have been used in the commission of crime; and provide for the care, restitution or sale at public auction of all unclaimed property that may come into its possession, subject to the provisions of this chapter.

5. To fix the compensation of all members of said department, except the chief of police, and otherwise to manage and control its receipts and disbursements and expenditures in furtherance of the efficient and economical administration of said department. Provided, however, that the expense of said police department shall not in any fiscal year exceed the amount of money appropriated and set apart therefor by the common council of said

city; and said common council shall by ordinance and within the limitations of this charter have the power to fix, as one item, the aggregate amount of money to be expended in any fiscal year for the wages and salaries of all members of said police department, other than the chief of police; but it shall have no power to increase the same or to fix the compensation or wages to be paid to any particular member or class of members of said police department, the said police board in these respects having exclusive control.

6. To appoint, in its discretion, upon the petition of any person, firm or corporation, or in case of emergency or apprehension of riot, insurrection or pestilence, special policemen and watchmen, who shall serve without compensation during the pleasure of said board, and shall have all the authority conferred upon policemen in the regular service of said department, and shall be subject to all the orders, rules and regulations prescribed therefor by said board.

7. To summon and compel the attendance of witnesses; to examine them under oath; to require and procure affidavits or other competent evidence for use at any hearing or proceeding had pursuant to this chapter or the orders, rules and regulations of said board. And each of said police commissioners shall have power to administer oaths and affirmations in all matters relating to said police department.

8. To establish, equip and maintain, from time to time, in conformity with the appropriations made therefor by the common council of said city, police districts, precincts, stations and substations, at such locations and in such manner as the exigencies of said police department, in the judgment of said board, may require.

9. To establish, equip, maintain and operate an electrical police alarm and signal system within the appropriations made therefor by the said common council.

10. To prevent and abate public nuisances.

**359. Municipal court officers.**—Sec. 2. All the powers and duties conferred and imposed upon the mayor and the police force of said city by section forty-seven (47) of chapter twenty (20) of this charter, relating to the municipal court, are hereby conferred and imposed upon said police board and the police force in this chapter provided for.

**360. Proceedings, rules, etc., certified copies.**—Sec. 3. Said board shall keep full and accurate minutes of its proceedings, and a copy of the same, or of any part thereof, or of the orders, rules and regulations of said board, certified to be correct by the president or secretary of said board, may be given in evidence at any trial or other proceeding before any court or other tribunal with the same force and effect as the original.

**361. License inspector—Pound master—Weights and measures.**—Sec. 4. It shall be the duty of said board of police to enforce all laws and ordinances in said city relative to the inspection and sealing of weights and measures, the impounding of animals, and the regulation, licensing and destruction of dogs, and for such purposes to detail at and during such time as may seem advisable to said board, one or more members of said police force to discharge the duties prescribed by this charter and the laws and ordinances of said city relative thereto. But no additional compensation shall be paid therefor to the person or persons so detailed. And said board shall further detail at and during such time as it shall deem advisable a member of said police force as license inspector, who shall collect and enforce the payment of all license moneys payable to said city under the laws of this state and the charter and ordinances of said city, except as otherwise provided by law.

**362. Reports to council.**—Sec. 5. The said board of police shall make to said common council semi-annually a detailed report of its affairs and finances, and an annual report thereof at the close of each year; and shall, whenever required by said common council, submit thereto for examination any and all of its books, files and records, and furnish other needful information and estimates as to the receipts, expenditures and affairs of said police department.

## IV.

## Chief of Police.

**363. Appointment and term.—Assistant chief and clerk.**—Section 1. The chief of police shall be appointed by said police board and hold office, during good behavior, for the term of two (2) years. He may be removed by said board for misconduct, in the manner hereinafter provided. Some competent member of said department shall be designated by said board to be in attendance at the chief's office during his temporary absence or disability, and in his stead, at all hours of the day and night. He may detail at his pleasure, a member of said department as his clerk. During his term said chief of police shall devote his entire time and attention to his duties and shall hold no other office under the government of said city.

**364. Powers and duties.**—Sec. 2. The chief of police shall be the chief executive officer of said department, subject to the authority of said police board; he shall have control, management and direction of all members of said police department, with full power to detail any of them to such public service as he may direct. He shall maintain and enforce law and rigid discipline and execute the orders, rules and regulations of said board. He shall have control of the prisoners and property of said department, subject to the authority of said board, and shall be responsible for the prompt execution and service of the orders and process of the municipal court, and such other orders and process as he may lawfully be required to serve or execute.

**365. Suspensions.**—Sec. 3. The chief of police may temporarily suspend without pay any member of said police force, without any hearing, in which case he shall forthwith report such suspension to said police board with the reasons therefor in writing. But no such suspension shall continue for more than ten (10) days without the affirmative decision of said board, and if said board shall not approve such suspension the suspended person shall be entitled to full pay during the period of such suspension.

**366. Contingent fund.**—Sec. 4. The said board of police may provide a contingent fund out of the money appropriated for said department in any fiscal year to be expended by said chief of police under its directions rules and regulations.

## V.

## Police Force.

**367. How constituted.**—Section 1. The police force of said city, in addition to said chief of police and until otherwise provided for by said board, shall consist of one chief of detectives and such a number of captains not exceeding four, lieutenants not exceeding seven, sergeants not exceeding ten, a jailor, matron, superintendent of police alarm and signal system, and as many policemen, patrolmen, detectives, watchmen and other employes as, in the judgment of said board, will be required for the efficient and economical administration of said police department. Provided, however, that the aggregate salaries and wages of such police force shall not, in any fiscal year, together with all other expenses of said police department, exceed the amount appropriated therefor by the common council under the limitations prescribed by this charter.

**368. Eligibility.**—Sec. 2. No person shall be eligible to appointment as a police officer, policeman or patrolman who is not a citizen of the United States or under the age of thirty-five (35) years, able to read and write the English language, a resident of the City of St. Paul for at least two years preceding his appointment, and who is not of good health and physique, the standard of admission into the army of the United States, as established by examination, to govern in this particular.

**369. Detective force.**—Sec. 3. The detective force of said city shall be under the immediate authority and control of the chief of police.

**370. Powers of police officers—Fees.**—Sec. 4. The chief of police and all police officers or members of the police force subordinate to him shall possess the power of constables at common law, and by the statute law of this state, they shall execute and serve all warrants, process, commitments, and all writs wherever issued by the municipal court or any judge thereof, for any violation of the laws of this state, or of the ordinances or by-laws of said city, and they shall have power to pursue and arrest any person fleeing from justice in any part of this state; and when performing the duties of constables for any violation of law other than ordinances of said city shall be entitled to the fees that constables receive for like duties. Provided, that no member of this department shall go outside the limits of said city in pursuit of any offender, or to execute any warrant or process, except in the case of offenses committed within said city.

**371. Reports on public lights, sidewalks, etc.**—Sec. 5. The police force shall report upon the condition of all public lights maintained in said city, and of all sidewalks and cycle paths therein, to the chief of police, who shall report such information by him so obtained to the board or officer of said city having charge thereof.

**372. Orders of and reports to commissioner of health.**—Sec. 6. It shall be the duty of the chief of police to cause to be executed all orders of the commissioner of health, so far as they may relate to the preservation of the health of the city, whenever requested to do so by the commissioner of health.

It shall be the duty of every policeman in the City of St. Paul to promptly report at the office of the commissioner of health any violation of the rules of the health department of the City of St. Paul, Minnesota, that may become known to him while on duty.

**373. Reports on accidents.**—Sec. 7. Whenever any person is physically injured or any property is injured or destroyed by an accident occurring in or upon any of the streets, alleys, or other public places with the City of St. Paul, it shall be the duty of the police officer in charge of the district or precinct wherein such accident shall have happened, and also of any detective who may be detailed by the proper authority, to investigate such accident and ascertain the name and residence of the person injured or owning the property injured or destroyed, as well as the nature of the accident and the names and residence of all persons having knowledge thereof, and to make forthwith a report of the same to the chief of police, who shall forthwith forward such report to the corporation attorney of said city.

## VI.

### Promotions, Suspensions, Dismissals and Disratements.

**374. Punishment for misconduct.**—Section 1. Any member of said police force who shall be guilty of misconduct or breach of duty shall be liable to be punished by said board by reprimand or by temporary suspension without pay, not to exceed one month, or by fine not to exceed one month's salary or by reduction in rank, or by dismissal from service.

**375. Public hearing.**—Sec. 2. Before said board shall punish any member of said police force by dismissal it shall notify such member and he shall be entitled to a public hearing under such rules and regulations as the board may prescribe, at which he may appear personally and by counsel and may require said board to hear and enforce the attendance of witnesses in his own behalf.

## VII.

## Miscellaneous Provisions.

**376. Peace officers, who are.—General powers.**—Section 1. All the officers, members and commissioners of this department and all the councilmen of the city, and all the justices of the peace within the city shall be officers of the peace, and may command the peace, suppress in a summary manner all rioting and disorderly behavior within the limits of the city, and for such purpose may command the assistance of all bystanders, and, if necessary, of all citizens and military companies; and if any citizen, bystander, military officer or private shall refuse to aid in maintaining the peace, when so required, every such person shall forfeit and pay a fine of fifty dollars. And in cases where civil power may be required to suppress riots or disorderly behavior, the officers of this department, if any such are present, shall direct the proceedings, and if no such officer be present then the same shall be directed by the superior or senior officers above named, not members of this department, who may be present.

**377. Rewards, etc.**—Sec. 2. Any member of the police department who shall accept from any person while in custody, or after he shall have been discharged, or from any of his friends, or any other person, any gratuity or reward, or any description of drink or who shall receive from any person, without the written permission of the mayor, any reward for the arrest of any thief, or recovery of any goods or money or compensation for damages sustained in the discharge of his duty, shall be deemed guilty of a misdemeanor, and shall be subject to a fine of not less than five nor more than one hundred (100) dollars.

**378. Stolen or lost property.**—Sec. 3. That where stolen or lost property of any kind shall come into the hands of the police department of the City of St. Paul, and not be identified, claimed, and proven to belong to said claimant, and the true owner is unknown, the said property may be sold by order of the said board, after ten (10) days' notice by three publications in the official paper of the City of St. Paul, and the proceeds shall be placed in the city treasury to the credit of the said board as a contingent fund, and subject to its orders for police purposes. All expenses of keeping, storing, handling, and such as may be necessarily incident to proper care of any such personal property, shall be first paid by said board, or under its orders, and receipts taken therefor, and the balance only paid to the treasurer on due receipt therefor. Provided, that no such personal property shall ever be sold so long as such property is required to be used as evidence in any criminal or civil case, except it is done on order of court, which power is hereby expressly given to any court in this state on motion and on proper facts shown to said court.

**379. County attorney, detectives for.**—Sec. 4. The chief of police of the City of St. Paul shall, subject to the direction of said board, from time to time, whenever requested by the county attorney of Ramsey county, detail any one of the detectives of said city named by said county attorney, for such aid and services as may be necessary and required by said attorney in any criminal case, and such person so detailed shall be paid by the board of county commissioners of said county only the fees of a constable for such services and mileage.

**380. City and county physician.**—Sec. 5. In addition to the other duties of the city and county physician now or hereafter prescribed by law, he shall examine all applicants for positions in the police department and be obliged to examine and certify as to the disability of any member of said department when application is made by any member for leave of absence on that ground.

**381. Temporary provision.**—Sec. 6. All officers, employes and members of the police force and department of said City of St. Paul, at the time when this charter becomes effective, shall continue to hold their several offices until removed by the said board; and all orders, rules and regulations applicable to said police force and department and in force at said time shall continue in force until otherwise provided by said board.

## CHAPTER VIII.

### Fire Department.

**382. Organization.**—Section 1. There shall be a department of the municipal government of the City of St. Paul which shall be known as the "Board of Fire Commissioners," to be constituted and organized as hereinafter provided.

**383. Fire commissioners—Qualifications—Term—Vacancies.**—Sec. 2. The board of fire commissioners shall consist of five reputable freeholders and qualified electors of said city, none of whom shall be members of the common council of said city, or hold any other office under the charter or ordinances of said city. The commissioners now in office shall continue in office and in the discharge of their duties under the provisions of this chapter during the terms for which they were appointed. It is hereby made the duty of the mayor of said city, at the expiration of the terms of office of the three commissioners whose terms expire in the month of December, 1900, to appoint three commissioners, one for the term of three years, one for the term of four years, and one for the term of five years; at the expiration of the term of office of the commissioner whose term expires in the month of December, 1901, to appoint one commissioner for the term of five years; and at the expiration of the term of office of the commissioner whose term expires in the month of December, 1902, to appoint one commissioner for the term of five years; upon the expiration of the term of office of any member of said board the mayor shall thereupon appoint his successor, who shall hold his office for the term of five years, and all the members of said board so appointed under the authority of this charter shall hold their office until their successors are appointed and qualified. In case the office of any member shall become vacant during his term the mayor shall appoint, in like manner, as soon as practicable thereafter, a person of like qualification as aforesaid to fill said vacancy during said unexpired term, and until a successor shall be appointed and qualified.

**384. Oath.**—Sec. 3. Each person so appointed a member of said board of fire commissioners shall, before entering upon the discharge of the duties of his office, take and subscribe an oath to the effect that he will faithfully and impartially perform the duties of said office to the best of his ability, which oath shall be filed with the comptroller.

**385. Powers and duties—Expenditures.**—Sec. 4. The said board of fire commissioners shall have control and management of the fire department, its officers and men and shall prescribe the rules for its discipline and government; and the said board of fire commissioners shall also have the control and management of the public property now pertaining to the fire department of said city, and that shall hereafter pertain to the said department; and shall, from time to time, in their sound discretion, add to, acquire, and, subject to the approval of the common council, sell or dispose of said property, both real and personal, as the exigencies of the said department, not inconsistent with this charter, may require; and shall pay over to the city treasurer all moneys that may come to their hands. The said board of fire commissioners are also hereby invested with all the discretionary powers necessary to the faithful execution of the provisions of this chapter, including the proper selec-

tion and location of all needful buildings and offices and the complete equipment of the several companies with horses, engines, vehicles and other apparatus and by a four-fifths (4-5) vote of all members of said board shall prescribe, control and regulate the expenditures of every kind of the said fire department; provided, nevertheless, that in case of any proposed expenditure, not including repairs and supplies for the ordinary current use of the department, the same shall first be presented by said board to the common council for their approval of the same. If said common council shall, by resolution adopted by a two-thirds (2-3) vote of all the members of both branches thereof, approve of the same, it shall be lawful for said board of fire commissioners to incur or contract such expenditure; otherwise it shall not be lawful for said board so to do.

**386. Officers of board.**—Sec. 5. Said board shall annually elect of their number a president and vice president, and shall have the power to establish by-laws, rules and regulations for its government. Said board may also, whenever they deem it advisable, elect a secretary to keep the minutes and books of said board, and to perform such other duties as may from time to time be required of him by said board. The secretary shall hold no other appointment or position under said board, and he shall hold his office during the pleasure of said board.

**387. Officers of department—Fire alarm—Fire warden—Electrical inspector.**—Sec. 6. For the operation and management of the apparatus, property and appliances for the extinguishment of fires in said city, the said board of fire commissioners shall, every alternate year, appoint one chief engineer, one first assistant engineer, one second assistant engineer, and a superintendent of the fire alarm telegraph of said city, each of whom shall serve for two years unless sooner removed by said board. The said board may also appoint a third assistant engineer to serve such term and for such compensation as said board may prescribe, such compensation, however, not to exceed that of the second assistant, as fixed in Chapter XVI of this charter. Said superintendent of the fire alarm telegraph shall have charge and control of the system of fire alarm and the apparatus pertaining to the same, and said board may employ in the fire alarm service, under the direction of said superintendent of fire alarm, two persons as linemen, and three other persons as office or instrument men, and may employ mechanics in the blacksmith and apparatus repair shops, as the necessities of the service may require, and shall prescribe such just and reasonable compensation for the services of said superintendent of fire alarm, said linemen, said office or instrument men, and said mechanics, as said board may deem proper, placing such employes on the regular pay roll of the fire department for payment. The chief engineer of the fire department shall be ex officio fire warden of said city and shall in person or by his assistant perform such duties as are or may be imposed upon him as such fire warden by ordinance of the common council of said city, but shall receive no compensation as fire warden beyond that paid him as chief engineer.

The chief of the fire department of the City of St. Paul is hereby ex-officio constituted the electrical inspector of the City of St. Paul, and the board of fire commissioners is hereby empowered to appoint a suitable person to serve as an assistant electrical inspector. The person so appointed as such assistant shall be a practical expert electrician, and shall hold office for two years unless sooner removed by said board, and shall receive as compensation for all the services to be performed by him such sum as shall be fixed by said board of fire commissioners.

The assistant electrical inspector, when so appointed, shall be a member of the fire department of said city. The electrical inspector shall perform such duties as may be prescribed for him by the ordinances of said city now in force or hereafter enacted, and by the rules and regulations of the board of fire commissioners, and the assistant electrical inspector shall assist the electrical inspector in the performance of such duties.



**388. Firemen—Appointment and removal—Additional firemen.**—Sec. 7. Said board of fire commissioners shall have power to appoint such firemen, engineers, driver, hosemen and other employes for the management and operation of the apparatus of the said department for the extinguishment of fires in said city as is reasonably necessary to maintain to the highest state of efficiency the said fire department, and all property and equipments thereof. The persons so appointed, including the chief and assistant engineers and said superintendent of fire alarm telegraph, shall be known as "firemen" of the City of St. Paul, and shall hold their respective places and appointments during the pleasure of said board; and they or any of them, whether heretofore or hereafter appointed may be removed or suspended by the board at any time. Provided, that no removal except for cause shall be made until after the person to be removed shall have received thirty days' notice that his services shall be no longer required by said board. And provided further, that there shall be at no time a greater number of firemen than the number in actual service at the time of the taking effect of this charter; but the common council of said city may from time to time, by a two-thirds (2-3) vote of all the members of both branches thereof direct the said board of fire commissioners to increase the number of firemen and of companies of the fire department, and such additional companies shall in all respects be organized and maintained pursuant to the provisions of this charter.

**389. Pay of fireman.**—Sec. 8. The said board of fire commissioners shall regulate and prescribe the sum to be paid to the firemen and the other employes of said department, except as in this charter otherwise provided.

**390. Reports to council.**—Sec. 9. The said board of fire commissioners shall, when required by the common council, report to them the condition of the department, and shall in the month of January in each year report in detail to said common council the receipts and expenditures of said department for the next preceding year ending on the 31st day of December, together with other matters pertaining thereto of public interest, including a complete inventory of all the property under their charge, and shall also exhibit a particular statement of all fire alarms and fires which have occurred in said city during such preceding year, together with the cause of all such fires, as far as the same shall have been ascertained. It shall also exhibit a particular statement of all losses caused by fire and of all insurance thereon. It shall also show the amount of hose which shall have been used, the sources whence the supply of water was derived, and the number and names of all companies under their direction, the names of all members and officers of such companies, the names of all persons in the employ of said board and the compensation paid to them, and a statement of all expenses incurred under the direction of said board during the year, and shall set forth such other information relating to the fire department as to the board shall seem important.

**391. Care of property.**—Sec. 10. It shall be the duty of said board of fire commissioners to maintain to the highest state of efficiency for fire department purposes all the property and equipments thereof, and to that end shall have the necessary repairs to said property and equipments made promptly and without delay, as in the opinion of said board such repairs shall be required.

**392. Publication of proceedings.**—Sec. 11. The secretary of said board of fire commissioners shall furnish for publication in the official paper of said city, within one week after any meeting of said board, a correct copy of the proceedings of said board at such meeting.

**393. Suspensions by chief engineer.**—Sec. 12. The chief engineer shall have authority to suspend any fireman or person in said department, acting under him, from active duty; provided, that within twenty-four hours after such suspension said chief shall notify the president of said board of fire

commissioners of such suspension, and the cause thereof. Such notification shall be in writing, and the president of the board, if sufficient cause be found, shall approve such suspension and issue an order for the discharge of such person so suspended. The chief engineer shall have the right to prefer charges against any elective officer, and the charges so preferred shall be acted upon by the board of fire commissioners.

**394. Injured firemen, pay of.—Substitutes.**—Sec. 13. The said board of fire commissioners may allow to firemen injured in actual service, and thereby rendered incapable of performing firemen's duty, full pay for a period not exceeding three (3) months, and half pay for a further period of three (3) months; no allowance to be made to exceed six months to injured firemen. Before any payment shall be made as aforesaid, the person injured shall execute a release discharging the City of St. Paul from all claim for damages on account of said injury, and the said commissioners may employ substitutes to fill the places of such injured fireman, and allow such substitutes so employed such sum as said board may prescribe, not exceeding the full pay of said injured firemen.

## CHAPTER IX.

### Water Department.

**395. Water board—Commissioners, appointment, term, bond—Vacancies—Quorum.**—Section 1. There is hereby confirmed and established a board of water commissioners, which shall have control and management of the water works system of the City of St. Paul. Said board shall consist of five (5) commissioners, who shall be appointed by the mayor of said city, and who shall serve without compensation, and who shall hold office for a term of five (5) years and until their successors are appointed and qualified. Provided, however, that the present members of said board shall hold their respective offices until the expiration of the terms of office for which they were appointed. On the expiration of the terms of the two (2) present members of said board which expire on the first day of January, 1901, the said mayor shall appoint two (2) persons to be members of said board, one (1) for a term of four (4) years and one (1) for a term of five (5) years; and thereafter, and upon the expiration of the terms of office of the three (3) present members of said board, which expire in the years 1902, 1903 and 1904, respectively, said mayor shall appoint a successor to each of said members, who shall hold his office for a term of five (5) years.

All vacancies, by resignation or otherwise, shall be filled by the mayor. The said board of water commissioners shall elect annually one (1) of their number to be president of the board, and one (1) of their number to be vice president, and may make by-laws and regulations for their government not inconsistent with the provisions of this chapter.

A majority of said board shall constitute a quorum, and all contracts and engagements, acts and doings of the said board within the scope of their duty and authority shall be obligatory upon and be in law abiding as is done by the common council of said city. Each member of said board shall, before entering upon the discharge of his official duties, take and subscribe an oath of office and give a bond in the sum of five thousand dollars (\$5,000) to the City of St. Paul, to be approved by the common council, conditioned that he will faithfully and honestly discharge the duties of his office or appointment; and the said board may require from the persons employed by them, official bond for the faithful discharge of their duties; said bond shall be approved by said board; provided, however, that the bond of the secretary of said board shall be in a sum of at least ten thousand dollars (\$10,000).

The salary and compensation of all officers appointed and employed by said board shall be such as may be fixed, from time to time, by said commissioners, with the approval of the common council.

**396. May sue and be sued, etc.—Employees.**—Sec. 2. Said board of water commissioners may sue and be sued, plead and be impleaded, answer and be answered unto, appear and prosecute unto final judgment in any court or elsewhere in the name of said board of water commissioners, have a common seal and alter the same at pleasure. They may employ all proper engineers, surveyors, clerks or other agents or assistants necessary or convenient for accomplishing the purposes contemplated by this chapter, and may enter upon any land or water for the purpose of making surveys and examinations for the same. They may prosecute any action in the name of said board of water commissioners against any person or persons for money due for the use of water, for the breach of any contract, express or implied, touching the execution or management of the works or distribution of the water, or of any promise or contract made to or for them; and also for any injury or trespass or nuisance done or caused or procured to be done to the water courses, pipes, machinery, or any other apparatus belonging to or connected with any part of the works, or for any improper use, or waste of the water.

**397. Extensions—New sources of supply—General powers.**—Sec. 3. That the said board of water commissioners may from time to time, for the purpose of furnishing a full supply of water to the inhabitants of the City of St. Paul, extend said water works, or make new lines of works, and as it shall from time to time so extend its said works or make new lines of works, it may draw water from any lake or creek by means of pipes, ditches, drains, conduits, aqueducts or other means of conducting water so as to connect said lakes or creeks with its said works, and may erect and construct dams, bulk-heads, gates and other needed structures and means for controlling of water and its protection, and in general to do any other act necessary or convenient for accomplishing the purpose contemplated by this chapter.

**398. Method of procedure in extending works.**—Sec. 4. Whenever at any time said board shall propose to extend its said works so as to connect with any of said lakes or creeks, or to divert the water of any stream, creek or body of water, it shall proceed as follows: Said board shall cause to be made a survey of the line along which it shall so propose to extend its said works, and of all lands or other property to be affected by flowage, drainage or otherwise, and for that purpose it may, by its officers and agents enter upon any lands doing no unnecessary damage thereto. After such survey shall have been made and such line located, it shall cause to be made a map showing the location of said line and the lands necessary to be taken for such extension, and of lands or other property to be affected by flowage, drainage or otherwise. Said map shall be acknowledged by the surveyor making the same, and by the president of the board of water commissioners, and shall be filed as a record in the office of the register of deeds of the proper county. And after making compensation as hereinafter provided to the owners of or persons interested in the lands so to be taken, and for damages by reason of diverting the water of any stream, creek or body of water, said city shall have an easement in said land designated on said map for all the purposes contemplated in this chapter, which said easement shall include the right of passage without doing unreasonable damage from any public highway to and from the land included or covered by said easement. The damage for said right of passage shall be estimated in apportioning the amount of damage to be paid for such easement.

**399. Commissioners to assess damages—Meetings—Report—Payment of damages—Appeal—Costs.**—Sec. 5. Said board shall make application to the judge of the district court of the county wherein the lands are situate, at chambers, for the appointment of three commissioners to assess the damage which the owners of, or persons interested in, the lands to be taken, or any other person may sustain by reason of the taking of such lands, or of the constructing, use and operating of such work. Notice of such application shall be given by publishing the same in a newspaper printed in the county wherein the lands are situate for at least twenty (20) days before the day of

making such application, which notice shall specify the time and place where such application shall be made, the points between which it is proposed to extend said works, and state the date of filing the said map. At the time and place specified in said notice said judge shall, upon proof to his satisfaction by affidavit of the due publication of said notice, appoint by an instrument under his hand, three commissioners to assess said damages. Such commissioners shall take and subscribe an oath or affirmation that they will faithfully and fully examine the matter in question and make a true report thereon according to the best of their skill and understanding. They shall appoint a time and place of meeting for the purpose of making such examination, and give notice thereof by publishing such notice in a newspaper printed in the county wherein the lands are situate, at least ten (10) days before the day so appointed. On the day so appointed they shall proceed to view the lands so to be taken, and hear any evidence as to the damages which any person may sustain by the taking of the same or by the construction, use and operating of the works of the city, and shall continue their examination until the same shall be completed. They shall make a just and equitable estimate of such damages and shall make and file in the office of the clerk of said court a report in writing signed by them, or any two (2) of them, in which they shall state the amount which said board shall pay to such persons or corporations who may sustain any damage by reason of their taking such lands or by reason of the construction, use or operating of such works. Upon said report being filed said board may pay to the clerk of said court, for the use of the persons entitled thereto, the several amounts so awarded by said report, and thereupon said city shall have and hold said lands and rights for the purposes aforesaid and said board may proceed to construct, use and operate thereon said works and extension thereof. Said report and finding of said commissioners shall be final and conclusive as against all persons or corporations who shall not appeal therefrom within thirty (30) days after the filing of said report. Any person or corporation interested may appeal from said report and findings of said commissioners within the time aforesaid to the said district court by filing with the clerk of said court a notice of appeal specifying the nature of his or its claims and the amount thereof, and also by filing a bond in the sum of five hundred (500) dollars with at least two (2) sureties, to be approved by the court, conditioned for the payment of the judgments and of any costs that may be awarded against said appellant. Said board may likewise appeal within the time aforesaid upon the finding of said commissioners in favor of any person or corporation by filing with said clerk a notice of such appeal. The appeal shall be entered on the calendar for the succeeding term of said court and shall be tried and judgment therein given and the like costs allowed as in actions brought in said court. If the said board appeals and the same or greater damages be recovered than shall have been awarded by the commissioners it shall be liable for costs. If any other person or corporation be the appellant and do not recover greater damages than shall have been awarded by the commissioners, such appellant shall be liable for costs; but no appeal taken shall prevent said city having and holding said lands as aforesaid or said board from entering upon and proceeding to construct, use and operate said works or any part thereof.

**400. Duties of clerk of court.**—Sec. 6. The clerk of said court shall attach together, and keep on file in his office, the said notice or application, with the affidavit of publication thereof, the appointment of said commissioners, their oath of affirmation, the notice given by them, with an affidavit of the publication thereof; their report, the notice of appeal and bond, a certified copy of any final judgment or appeal and his certificate or certificates of the payment to him by said board of any moneys awarded to any person or corporation. A copy, certified by said clerk, of such papers may be recorded in the office of the register of deeds of said county, and the papers so filed; said record or a certified copy of either shall in all cases be received as evidence of the facts therein stated.

**401. Possession and right of way—Injunctions.**—Sec. 7. That whenever

the board of water commissioners file their maps, as required by section four (4) of this chapter, the board shall be deemed to be in possession of the lands and right of way as presented on their map or maps, or of any other lands they may occupy or have damaged in the construction or operation of their works for the purpose of introducing and supplying the City of St. Paul with pure water, either by flowage, drainage or otherwise, either by consent of the owner or owners, or not, of the land used or occupied, that is not shown on the map or maps, that the owner or owners have been settled with, nor the lands paid for as required by section five (5) of this chapter. No injunction shall be maintained against the board of water commissioners, restraining them from the use of the lands, nor any action to recover possession, or for damages in the construction or operation of the conduit lines on the right of way or contiguous thereto as represented in the pleading to said lands, shall be maintained, except as provided in the following section:

**402. Suits for recovery.**—Sec. 8. The owner or owners of any such land or lands may maintain a suit for the recovery of the possession of lands used by the board of water commissioners, for the value thereof, and the damage thereto by the reason of taking thereof as aforesaid, either by flowage, drainage or otherwise, or damage of any kind.

**403. Answer.**—Sec. 9. The defendant, the board of water commissioners, may, by answer, admit and allege the taking of the plaintiff's land for the use of the board of water commissioners, for the purposes of introducing water into the City of St. Paul, and that no compensation has been paid therefor, and that the defendant is ready and willing to pay such compensation upon having the same assessed by the jury trying the action, provided the plaintiff on the trial shall establish his right to recover the land in question or damages thereto.

**404. Verdict for damages.**—Sec. 10. In all such actions where the defendant by answer admits and pleads as hereinabove specified the jury shall try, and by their verdict find whatever the plaintiff is entitled to recover for the land in controversy, and if so entitled, the amount of compensation to which the plaintiff is entitled for the taking and perpetual use of his land for the purpose here specified; provided, that when it appears that the land was so taken or appropriated, by and with the consent and acquiescence of the owner, such owner shall not be entitled to recover any rents or profits which accrued prior to demand for compensation for such land, and he shall be limited to recovery in such case to compensation for the land taken and damages.

**405. Judgment for damages.**—Sec. 11. Upon a verdict finding the plaintiff is entitled to recover the land in suit and the compensation due him for the taking and perpetual use of such land, judgment shall be entered in substance as follows: That the plaintiff have and recover from the defendant the land in suit, or, in lien thereof, the compensation fixed by the jury, with costs and disbursements and reasonable attorney's fees, to be fixed by the court; on the expiration of ninety (90) days after the entry of the judgment aforesaid, if the compensation, costs, disbursements and attorney's fees specified in the judgment are not paid, then a writ of execution shall issue for the delivery of the possession of the land described in the judgment to the plaintiff, and to satisfy the judgment as to costs, disbursements and attorney's fee out of any property of the defendants.

**406. Infant heirs, lands belonging to.**—Sec. 12. Whenever the board of water commissioners has located the line of its works or any of its appurtenances, upon a crop, or over, across or contiguous to any lands or lots belonging to infant heirs or other wards having any interest therein, it shall be lawful for the guardian of such heirs or wards to sell and convey to the City of St. Paul, upon such terms as may be agreed upon between said guardian and said board of water commissioners, such portion of said land or lots as may be deemed necessary or required by said board, and the right of way upon and across the same, together with all such grounds and rights as

may be deemed necessary or required for any purpose by said board in the discharge of their duties, as herein provided, subject only to the approval and confirmation of the probate court of the county having jurisdiction of the matter of the guardianship of such heirs or wards, such approval and confirmation shall be indorsed upon or annexed to the deed or other instrument between the parties, and shall be recorded with and as part of such deed or instrument in the office of the register of deeds in the proper county, and shall be notice to all parties interested of the facts therein stated; provided, that before granting such approval and confirmation the judge of the probate shall require a petition, subscribed and verified by such guardian and signed by the president of the board of water commissioners, or by its attorney, to be filed in such probate court, setting forth the names of such heirs or wards, the name of the board of water commissioners, a description of the lands or lots to be conveyed, the terms of sale, and that the price to be paid is the just and full value of the lands or lots intended to be conveyed to said board, and upon the filing of such petition the judge of the probate court shall determine the matter, without any further formality, notice, order or delay whatever.

**407. Resurveys and relocations.**—Sec. 13. Said board is hereby authorized to resurvey the line of its works heretofore or hereafter to be located, and to relocate said line on any portion thereof, the same as though said line had not heretofore been located. In case of making such new survey or relocation, said board shall proceed in the same manner as is provided in sections four (4), five (5) and six (6) of this chapter, and all the provisions of said sections shall in all respects be applicable to the proceedings for such resurvey and relocation, and the effect thereof, and of constructing, using and operating its works over said relocated line. It may join its proceedings for such resurvey and relocation with any proceedings for extending its said works; provided, that if said board shall, in the proceedings heretofore or hereafter to be had for locating its said line, have paid into the said clerk the amount awarded to any person by the commissioners in said proceedings, the amount so paid in shall be deemed a payment to such person upon the amount which may be awarded in the proceedings hereby authorized.

**408. Wilful damage, penalty for.**—Sec. 14. Any person who shall willfully and without authority from said board, break, remove or damage any dam, bulk-head, gate, gate-house, conduit, air vent, air box, cover, main pipe or culvert, or fill up, or partially fill up, any excavation, or raise or open any gate, break down or force open any doors of said works executed, constructed and maintained for the purposes specified in this chapter, shall, on conviction thereof, be punished by imprisonment in the state prison for a term of not more than ten (10) years, nor less than one (1) year.

**409. Unauthorized use of water, penalty.**—Sec. 15. Any person who shall without authority from said board, lay any main or service pipe or take water therefrom, or open or shut any service cock or fire hydrant, or remove or unscrew, wholly or partially, the cap from such fire hydrant, or enter or form any connection with or turn water into any tunnel excavated or used by said board for the purpose of laying its pipe, or who, being authorized by said board to take water from any main or service pipe into any specified building or upon any specified premises, or to be used for any specified purpose, shall, without authority from said board, use such water for any other than such specified purpose or permit any other person to use the same for any other than such specified purpose, or to take the same out of such building; and such other person so using or taking such water, or who, without lawful authority, shall dig or excavate within six (6) feet of any main pipe, gate, hydrant or blow-off of said works, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine of not more than one hundred (100) dollars and not less than twenty five (25) dollars, or by imprisonment in the county jail for a term not more than three (3) months, nor less than twenty (20) days, or by both such fine and imprisonment.

**410. Willful acts to divert or corrupt water, etc., penalty.**—Sec. 16. If any person or persons shall maliciously or willfully divert the water, or any portion thereof, from the said works, or shall corrupt or render the same impure, or shall destroy or injure any canal, aqueduct, pipe, conduit, machinery, or other property used or required for procuring or distributing the water, such person or persons, and their aiders or abettors, shall forfeit to the said board, to be recovered in a civil action, treble the amount of damages (besides costs of suits), which shall appear on trial to have been sustained; and all such acts are hereby declared to be misdemeanors, and the parties found guilty thereof may be further punished by a fine not exceeding one thousand (1,000) dollars or by imprisonment not exceeding one (1) year, or both, at the discretion of the court.

**411. Board may use ground under streets, roads, railroads, etc.**—Sec. 17. The said board in behalf of the City of St. Paul, and all persons acting under their authority, shall have the right to use the grounds or soil under any road, railroad, highway, street, lane, alley or court, for the purpose of constructing, enlarging, improving or repairing the works contemplated by this chapter, on condition that they shall cause the surface of such road, railroad, highway, street, lane, alley or court to be restored to its original state, and all damages done thereto to be repaired.

**412. Bonds validated.**—Sec. 18. All bonds heretofore issued by the said city for the purchase of the franchises and property of the St. Paul Water company are hereby declared to be legal and valid bonds of the City of St. Paul.

**413. Water regulations and rates—Hydrants, etc.—Rates a continuing lien—Street sprinkling and cleaning.**—Sec. 19. That said board shall regulate the distribution and use of the water in all places and for all purposes where the same shall be required for either public or private use, and fix the price and rates therefor; provided, however, that in the case of the fire hydrants for the extinguishment of fires and public fountains and watering places, the board shall fix and locate the same as the common council of said city may direct. On the line of constructed works, when practicable, said board shall, from time to time, cause to be assessed the water rate to be paid by the owner or occupant of any house or other building having or using water, on the basis and for the purposes in this chapter specified, and such water rates shall become a continuing lien, until paid, upon such house or other building, and upon the lot or lots upon which such house or other building is situate. The said city of St. Paul shall pay out of the fund raised by taxation for that purpose, and place to the account of said board for all water furnished and supplied to said city for public fire hydrants for the extinguishment of fires, for water used at public fountains and watering places, for water furnished and supplied to any of the boards or departments of said city, as the same are or may be hereafter established, and all other water supplied to or used and consumed by said city; provided, that all water required to be used for street sprinkling or street cleaning, whether such work be done under contract or by the commissioner of public works, shall be furnished free of charge under such reasonable rules and regulations as may be established by said board. The said board shall keep separate accounts with each of said boards and departments of all water furnished and consumed by each of said respective boards and departments. And said board is hereby authorized and required to restrain and prevent any and all wastage of water, and to that end may, when in its judgment necessary, turn off the water or take such other action as in its judgment may be proper.

**414. Change of street grades, damages occasioned by.**—Sec. 20. In case of damage to the pipes or works of the water board, caused by a change of grade or operation of any department of the city, such damage shall be paid out of the general fund of said city, except in cases where an assessment shall be made by the board of public works of said city for a change of grade as now or as may be hereafter provided by law. In such case the damage oc-

curing to the board of water commissioners shall be paid out of such assessment.

**415. Advance payments.**—Sec. 21. That the said board shall have full power and authority to require payment in advance for the use of water furnished by them in or upon any building, place or premises, and in case prompt payment for the same shall not be made they may shut off the water from such building, place or premises, and shall not be compelled again to supply said building, place or premises with water until said arrears, with interest thereon, together with the costs and expense of turning said water off and on, shall be fully paid.

**416. Frontage tax.**—Sec. 22. In addition to all other powers conferred upon said board, they are authorized to and shall assess upon each and every lot, piece or parcel of land in the City of St. Paul in front of which water pipes are or hereafter shall be laid an annual tax or assessment of ten (10) cents per lineal foot of the frontage of such lot, piece or parcel of land, and which shall be a lien upon such lot, piece or parcel of land, and shall be collected as hereinafter provided; but no property shall be subject to such tax or assessment after ten (10) such annual taxes or assessments have been levied against it, including those which may have been heretofore so levied.

**417. Assessment of frontage tax.**—Sec. 23. That the said board shall make up, on or before the first (1st) day of August in each and every year, a detailed statement, duly certified to by the president and secretary of said board of commissioners, under the seal of said board for the tax or assessment described in the foregoing section for the year preceding and ending on the first (1st) day of January, which statement shall be transmitted by the secretary of said board to the county auditor of Ramsey county as delinquent taxes for collection; whereupon it shall be the duty of the county auditor to extend the same on his rolls against the property in said statement as aforesaid, for collection, and if not paid within the time prescribed by law then the same shall become a lien on said real estate and said real estate shall be subject to all the penalties and charges as property delinquent for taxes for county and state purposes. All moneys collected or paid into the treasury of Ramsey county on account of said assessment or tax shall be paid over, from time to time, to the City of St. Paul, for the use of said board of water commissioners.

**418. Regulations, etc., of board.**—Sec. 24. Said board of water commissioners are hereby invested with full power to make and enforce such by-laws, regulations and ordinances as may be necessary to carry into effect the object and intent of this act, and to supply any power or mode not already specified therein, and shall cause all such by-laws, regulations and ordinances to be entered in a book to be kept for that purpose, and signed by the president and secretary, which, when so entered and signed, shall be evidence in any court of justice.

**419. Secretary shall be elected—Duties—Assistant—Treasurer and comptroller—Yearly reports.**—Sec. 25. That said board of water commissioners shall elect some suitable person as secretary, and the treasurer of the City of St. Paul is hereby declared to be ex-officio treasurer of said board, and the city comptroller is hereby declared to be ex-officio the comptroller of the said board. It is made the duty of the secretary, under the direction of the said board, to collect and receive and pay into the city treasury all moneys due on account of the operations of said water works, except the frontage tax and proceeds from the sale of bonds, and to keep a set of books, which shall contain a full and complete statement of the condition and operation of the water works, of all moneys received and paid out by order of said board, and all debts due and owing said board for any cause whatever, together with an accurate account of all the expenses of said board; and the said secretary may appoint an assistant secretary, for whose acts he shall be responsible, who shall only be authorized to act in the absence of said sec-



retary from said city, and while the secretary is unable to perform such duties owing to sickness; and in case of the disability, from absence or other cause, of said secretary and the failure of said secretary to appoint such assistant, the said board may appoint a secretary pro tem to perform the duties of such secretary. It is made the duty of the treasurer of said board to receive all moneys which may be paid in to said treasurer on account of said board of water commissioners from the sale of bonds and from water taxes, or from any source whatever; and all moneys so received shall be retained by said treasurer and paid out only upon the orders of said board, signed by the president and secretary thereof, and countersigned by the city comptroller, and shall keep a detailed and exact account thereof in such manner as to show at all times the exact financial condition of said board; and the city comptroller shall keep regular books of account, in which all moneys received or paid out for or on account of said board shall be entered. He shall audit and countersign all bills and accounts allowed by said board and other evidences of the indebtedness of said board, and shall keep an exact account thereof, stating to whom and for what purposes issued, and shall keep an account with the treasurer of said board showing the amount received from all the different sources of revenue and the amount disbursed under the direction of said board. The said comptroller shall, on the first (1st) day of each month, return to the secretary of said board all bills and accounts received from said board during the month next preceding. The books of said board shall be opened to the examination of any person or persons appointed for that purpose, or to any committee of the common council, or the comptroller of said city. Said board shall also, on the first (1st) day of December of each year, make a report to the common council of said city of the condition of the works under their charge, and of the receipts and expenditures on account of the same.

**420. Contracts exceeding \$300.**—Sec. 26. All contracts for materials or for the construction of any part of said work which shall involve the expenditure of the sum of three hundred (300) dollars or more shall be in writing, and in duplicate, one of which shall be filed with the city comptroller, the other with the secretary of the board; provided, that in the event of any extraordinary and sudden injury to said works, whereby great damage might ensue by reason of any delay, the said board may cause the damage or break to be repaired without a contract and in such a manner as the commissioners may deem for the best interests of the city.

**421. Water rates must be adequate—Willful neglect to collect.**—Sec. 27. The said board of water commissioners shall establish such water rates as will at all times insure to the city a sufficient income to pay the interest and to provide a fund to pay the principal upon all the bonds to be issued under this chapter, as well as to pay all the expenses and costs of the maintenance and repairs of said water works; and it is hereby declared to be a misdemeanor, punishable by a fine not exceeding five hundred (500) dollars, or imprisonment in the county jail not exceeding one (1) year, or both, for said board knowingly to omit the property of any person from assessment for water rates, or to neglect or refuse to collect the same, or to give any person other or different credit for the use of water than that given the whole public; provided, however, when meters are used for the purpose of showing the amount used, the water rent shall be collected on the first (1st) day of each and every month.

**422. Profiles of streets for new mains, etc.—Change of grades affecting mains.**—Sec. 28. Whenever the board shall determine to lay new mains, set hydrants, to relay mains, or reset hydrants on any of the streets of said city, the board shall make application to the commissioner of public works, whose duty it shall be, without unnecessary delay, to furnish the water commissioners with a profile of the street, with the grade lines thereon, and to set stakes of grades and lines of streets and sidewalks when required. Before the board of public works of said city shall report in favor of a change of

grade on any street on which the mains of said water department are laid they shall notify the said board of water commissioners of the contemplated change, and it is hereby made the duty of said board, upon being so notified, to report to the board of public works the damage, if any, that will be incurred by said board of water commissioners by said change of grade, which damage shall be taken into consideration as part of the cost of said improvement.

**423. Rights of way and easements paramount.**—Sec. 29. In all cases where rights of way and easements have been or may be hereafter required, either by purchase of title or by condemnation, for the laying of any conduits, supply mains or other appliances or works for supplying water as contemplated in this chapter, such rights of way and easement shall be paramount, and neither said City of St. Paul nor said County of Ramsey, nor other county or municipal body or corporation, nor other corporation or person, shall enter thereon, use or occupy the same for any purpose other than said purpose for which said right of way or easement was or may be acquired as aforesaid, except with the consent of said board, and upon such terms and in such manner as may be agreed upon, and said board of water commissioners is hereby authorized to make and enter into any agreement in that behalf which it may deem necessary and expedient.

**424. Actions and judgments against board.** Sec. 30. Any and all causes of action, either at law or in equity, which may now exist, or which may hereafter occur by reason of any act or omission by or on the part of the board of water commissioners, or any of its servants, agents, employes or otherwise, shall be brought and maintained by such claimant or claimants against the said board of water commissioners, anything in the statutes of the State of Minnesota to the contrary notwithstanding. And any and all judgments recovered against said board of water commissioners shall be paid out of any moneys in the hands of the city treasurer of the City of St. Paul belonging to said board, as other indebtednesses are paid.

**425. Notice of actions, filing and contents—Limitation.**—Sec. 31. Before any action shall hereafter be maintained in any court of this state having jurisdiction thereof, against said board of water commissioners, for any cause whatever, the subject matter thereof, together with the evidence in support of the same, must have first been presented and submitted to said board for its investigation and approval, and that, too, within sixty (60) days after said cause of action accrues. If, upon and after such investigation by said board, the same shall by it be rejected, then in that case action thereon must be commenced within one (1) year thereafter, or forever be barred from maintaining an action thereon, or recovering a judgment against said board upon said claim or cause of action.

**426. Real estate defined.**—Sec. 32. The term "real estate" as used in this chapter, shall be construed to signify and embrace all uplands, lands under water, the waters of any lake, pond or stream, all and every estate, interest and right, legal and equitable, in lands or water, including term for years, and liens thereon by way of judgment, mortgage or otherwise, and also all claims for damages to such real estate.

**427. Petitions for new mains—Exceptions.**—Sec. 33. No water mains shall be laid by the board of water commissioners of said city unless the owners resident in the City of St. Paul of one-third (1/3) of the property fronting on the street liable to assessment for this extension shall first have petitioned in writing to said board of water commissioners for the laying of said mains; provided, however, that upon the recommendation of said board of water commissioners, the common council may by resolution or ordinance, passed by a vote of two-thirds (2/3) of all the members of each body thereof, authorize the laying of any such water mains or pipes, without any petition of resident property owners having been made therefor.

Adopted at General Election Nov. 6th, 1906.

## AMENDMENT NO. 9.

To amend chapter IX. of the Charter of St. Paul by adding at the end thereof the following new section, viz:

"Section 34. The Common Council of the city of St. Paul shall have the power, upon request of the Board of Water Commissioners, without first submitting the question to the voters of the city, to issue and sell not exceeding five hundred thousand dollars (\$500,000) par value in and of the bonds of said city, for the purpose of, and the proceeds thereof to be used solely for extending enlarging and improving the public water plant and water works system owned and operated by said city, provided that not more than one hundred fifty thousand dollars (\$150,000) par value of said bonds shall be issued in any one calendar year.

Said bonds shall be in form to be prescribed by the common council and shall bear interest at a rate not exceeding four per cent per annum, and shall be payable in not to exceed thirty years after their date. Said bonds may be so issued and sold notwithstanding any provisions of law placing any maximum limit upon the bonded indebtedness of said city.

When said bonds or any of them are issued and sold, it shall be the duty of the Board of Water Commissioners to make suitable provision from the revenues of said water plant for the prompt payment of all current interest on said bonds as the same accrues, and for the redemption of said bonds at their maturity."

## CHAPTER X.

### Health Department.

**428. Organization.**—Section 1. There is hereby established an executive department in the municipal government of the City of St. Paul, Minnesota, which shall be known as the department of health, and shall embrace the commissioner of health, the chief of police, the corporation attorney and such other assistants and employes as are hereafter provided for.

**429. Commissioner of health — Appointment — Term — Qualifications—Bond.**—Sec. 2. There is hereby created the office of commissioner of health, who shall be the head of said department of health, and shall have the management and control of all matters and things pertaining thereto. He shall hold office for the term of four (4) years, and until his successor shall be appointed and qualified.

Sec. 3. Said commissioner, who must be a competent physician of regular practice, shall be appointed by the mayor, on or before the second Tuesday in March, one thousand nine hundred and three (1903), or as soon thereafter as possible, and each four (4) years thereafter.

Sec. 4. Said commissioner, before entering upon the duties of his office, shall execute a bond to the City of St. Paul, Minnesota, in the sum of three thousand dollars (\$3,000) with proper sureties.

**430. Assistant commissioner and inspectors.**—Sec. 5. Said commissioner shall exercise a general supervision over the sanitary condition of the city, and shall have power to appoint an assistant commissioner, who shall be a physician in regular practice; four health officers; one meat inspector, who shall be a butcher; one live stock inspector, who shall be a veterinary surgeon; and one plumbing inspector, who shall be a licensed plumber; all of which shall perform such other duties as the commissioner may require.

Sec. 6. Should the necessity arise at any time for health officers or inspectors, or other employes than are hereby provided for, the commissioner of health shall have power to increase the force, with the consent of the common council.

**431. Removals of subordinates.**—Sec. 7. Said commissioner of health shall have power to remove any subordinate officer, inspector or employe of said department of health at his pleasure, and all orders and directions emanating from said department of health shall be issued in the name of said commissioner.

**432. General duties.**—Sec. 8. The said commissioner of health shall give to the mayor or other city authorities all such professional advice and information as they may require with a view to the preservation of public health, and whenever he shall hear of the existence of any malignant, contagious or pestilential disease he shall investigate the same and adopt measures to arrest its progress.

Sec. 9. It shall be the duty of the commissioner of health to enforce all laws of the state and ordinances of the City of St. Paul relating to the sanitary regulations of the city, and cause all nuisances to be abated with all reasonable promptness. And for the purpose of carrying out the foregoing requirements he, or his assistant by his direction, shall be permitted at all times, from the rising to the setting of the sun, to enter into any house, store, stable or other building, and to cause the floors to be raised, if he shall deem it necessary, in order to make a thorough examination of cellars, vaults, sinks or drains, and to cause all privies to be cleaned and kept in good condition, and to cause all dead animals or other nauseous or unwholesome things or substances to be burned, or removed or disposed of as the commissioner of health may direct.

**433. Abatement of nuisances—Notice.**—Sec. 10. To carry out the provisions of the foregoing section it shall be the duty of the commissioner of health to serve a notice in writing upon the owner, occupant or agent of any lot, building or premises in or upon which any nuisance may be found, or upon the person creating or continuing any such nuisance, requiring him to abate the same within reasonable time in such manner as the commissioner may prescribe. Provided, that it shall not be necessary in any case for the commissioner to specify in his notice the manner in which any nuisance shall be abated unless he shall deem it advisable to do so; and such notice may be given or served by any officer who may be directed or deputed to give or make the same and if such owner, occupant or agent, or person creating or continuing such nuisance, shall neglect or refuse to comply with the requirements of such order within the time specified, he shall be subject to a penalty hereinafter provided, and it shall be the duty of said officer to proceed at once, upon the expiration of the time specified in said notice, to cause such nuisance to be abated; and provided further, that whenever the owner, occupant or agent of premises in or upon which any nuisance may be found is unknown, or cannot be found, the said commissioner shall proceed to abate the same without notice; and in either case the expense of such abatement shall be collected from the person or persons who may have created, continued or suffered such nuisance to exist.

**434. Expense, offender pays.**—Sec. 11. Any expense incurred by the health department in enforcing the provisions of the above section shall be recovered in an action of debt to be brought in the name of the City of St. Paul against the party offending.

**435. Infectious and pestilential diseases.**—Sec. 12. It shall be the further duty of the commissioner of health to visit and examine, or cause to be visited and examined, all sick persons who shall be reported to him as laboring, or supposed to be laboring, under any yellow or ship fever, smallpox, cholera, or any infectious or pestilential disease, and cause all such infected persons to be removed to the cholera, smallpox or other hospitals, or to such other safe and suitable place as he may think proper, not exceeding three miles from said city, and cause them to be provided with suitable nurses and medical attendants, at their own expense, if they are able to pay for same, but if not, then at the expense of the city.

**436. Notices on infected houses.**—Sec. 13. It shall be the further duty of the commissioner of health to cause a notice, printed or written in large letters to be placed upon or near any house in which any person may be affected or sick with smallpox, scarlet fever, or any infectious, pestilential or epidemic disease, upon which shall be written or printed the name of such disease; and if any person shall deface, alter, mutilate, destroy, or tear down such notice, without permission of the commissioner of health, or of the health officer, such person or persons shall be subject to the penalty hereinafter provided; and if the occupant of any house upon which such notice shall be placed or posted as aforesaid, shall aid or abett any person or persons in defacing, altering, mutilating or tearing down such notice, he shall be subject to the penalty hereinafter provided.

**437. Smallpox hospital.**—Sec. 14. The commissioner of health shall have charge of the smallpox hospital, and shall have power to employ such assistants and nurses as he may deem necessary; and it shall be his duty to see that the said hospital is supplied with suitable furniture, nourishment, fuel and medicines, and that persons dying therein, or in any other place under the charge of the city, are decently and promptly buried at the expense of the city, provided, such deceased persons shall not have left the means to defray their own expenses of sickness or burial.

**438. Extraordinary powers.**—Sec. 15. In case of pestilence or epidemic disease, or of danger from anticipated or impending pestilence or epidemic disease, or in case the sanitary condition of the city, should be of such char-

acter as to warrant it, it shall be the duty of the said commissioner of health to take such measures, and to do and order, and cause to be done, for the preservation of the public health (though not herein, or elsewhere, or otherwise authorized), as he may, in good faith, deem the public safety and health to demand.

**439. Vaccination.**—Sec. 16. The commissioner of health may take such measures as he may from time to time deem necessary, to prevent the spread of the smallpox, by issuing an order requiring all persons in the city or any part thereof, requiring vaccination, to be vaccinated within such time as he shall prescribe; and all persons refusing or neglecting to obey such order shall be liable to the penalty hereinafter provided. Provided, that it shall be the duty of the commissioner to provide for the vaccination of such persons as are unable to pay for the same, at the expense of the city.

**440. Power concerning houses.**—Sec. 17. He shall have the power to cause any house to be cleansed, disinfected or closed to visitors, and prevent persons from resorting thereto while any person is laboring under any pestilential or infectious disease; he may, by an order in writing, direct any nuisance to be abated, or unwholesome matter or substance, dirt or filth, to be removed from any house or premises, and may prescribe the time and mode of doing so, and take any other measures he may deem necessary and proper to prevent the spread of any infectious, pestilential or epidemic diseases; and any person who shall neglect or refuse to obey the orders, directions and instructions of said commissioner of health shall be subject to a penalty hereinafter provided.

**441. Quarantine sites or boundaries, how established and regulated.**—Sec. 18. Said commissioner, whenever, and at such times as by him it shall be deemed necessary, may by proclamation (the approval of the city council being first had and obtained) require all boats, vessels, railroad cars and other public conveyances bound for this city, before the same shall land or stop at any wharf, depot or landing or stopping place therein, to touch or stop at any or either of the sites, places or boundaries so selected and established for quarantine purposes, and leave all such emigrants, travelers or persons and all such sick, diseased or unclean persons, with their stores and baggage, as in the opinion of the officers stationed at such quarantine sites, places or boundaries shall be deemed proper on account of the existence or general report of cholera, ship fever or any contagious disease, or diseases apprehended to endanger the health of the city.

**442. Notice of quarantine.**—Sec. 19. Whenever it shall be deemed necessary to issue such proclamation, it shall be the duty of the said commissioner to send the same, together with the substance of the regulations for quarantine and the period for which the same shall be in force, unless sooner revoked, to Chicago, Milwaukee, Dubuque, Sioux City, Minneapolis, Duluth and Fargo, and such other cities and places as he may deem proper.

**443. Examination of public conveyances at quarantine sites.**—Sec. 20. He shall also cause to be stationed at such quarantine sites, places and boundaries as he may deem advisable, one (1) or more physicians or health officers, whose duty it shall be to go on board and examine all boats, vessels, cars or other public conveyances as are aforesaid required to touch or stop at said quarantine, respectively, and then and there determine what emigrants, passengers or persons (if any) shall stop at such quarantine; and it shall be the duty of all persons conducting or in charge of any such vessel, boat, car or public conveyance to aid and assist any such physician or health officer in the exercise of his duties.

**444. Care of sick in quarantine.**—Sec. 21. Said physicians or health officers shall attend to all sick persons who may be landed or placed in quarantine, and provide medicines and necessities for their use, and shall have general supervision of such quarantines, and compel persons therein to purify

their bodies, clothes and baggage, and to do all such acts and things as shall be proper in the premises, keeping correct accounts of all expenditures and wages, which shall be allowed and paid by order of the said commissioner.

**445. Release of conveyances and persons from quarantine—Emigrants.—**Sec. 22. Whenever the physician or officer in charge of any quarantine station, or place, as aforesaid, shall, upon examination, be satisfied that there is no longer occasion for the detention of any boat, vessel, car or conveyance at such quarantine or place, and such boat, vessel, car or conveyance shall have been thoroughly cleansed, and such persons as aforesaid landed and placed in the care of such physician or officer, such physician or officer shall give such vessel, boat, car or conveyance a permit signed by himself to enter the city, which shall be ample authority for the entry of said boat, vessel, car or conveyance, and the said officers, respectively, shall discharge all persons in quarantine by their certificate for that purpose whenever they are satisfied that such persons are free of disease and their baggage and effects properly purified. Provided, however, that the commissioner in his discretion, by proclamation for that purpose, may, during the prevalence of cholera, ship fever or other contagious or fatal disease, forbid the admission of emigrants or others peculiarly liable thereto in any or all of said quarantines or stations, until, in his opinion, the health of the city will justify the same.

**446. Enforcement of quarantine.—**Sec. 23. It shall be the duty of the said commissioner, whenever he shall deem it necessary, to keep at the quarantine station or stations a sufficient police force, whose duty it shall be to enforce all regulations required by this chapter or by said commissioner established, and to arrest all persons violating said regulations or committing any breaches of the peace, and bring such persons before any court having jurisdiction, for trial, and to arrest and hold for trial all persons disobeying or interfering with, or resisting any physician, health officer or other person in authority at such quarantine site or station.

**447. Violations of quarantine.—**Sec. 24. In case any boat, vessel, car or public conveyance shall leave any quarantine station, place or boundary without a permit, as aforesaid, or shall fail to stop at the same when so required by the issuing of said proclamation, or whenever the person in charge thereof, or any person under his command shall fail or refuse to obey any regulation or command of the said commissioner of health, physician or person in charge of any quarantined station or place, or of any provision or requirement of this chapter, the said commissioner shall have the power, and it is hereby made his duty, if in his opinion the health of the city requires it, to send sufficient police force to such boat, vessel, car or public conveyance, and cause the same, with the crew and passengers on board, to be landed, or stopped, or conveyed to the quarantine station or place, and there to remain until properly discharged by the permit aforesaid; and the owner, master or the person in charge of any such boat, vessel, car or public conveyance shall be liable to the city for all expenses and costs incurred by reason thereof. If any emigrant, traveler or person so placed in quarantine as aforesaid shall leave the same without permission as aforesaid, he may be arrested and taken back to said quarantine, and there retained until such permission shall be given.

**448. Rules and regulations of quarantine.—**Sec. 25. The said commissioner shall make such rules and regulations for the government of the quarantine or health of the city as, from time to time, he shall deem necessary; and the physicians or health officers in charge of any quarantine station or place shall have power to make and enforce such regulations as may be necessary for the proper conducting and management thereof; and it shall be the duty of all persons in quarantine, and all agents, officers, policemen, or others employed by the city in and about said quarantine stations or places, to carry out and obey the same.

**449. Quarantine physicians, agents, nurses, etc.—**Sec. 26. The said commissioner, by and with the approval of the city council, may appoint one or more competent physicians as quarantine physicians, who shall be present at such quarantine stations as the said commissioner of health shall designate, and attend to all the duties imposed by this chapter, or by the regulations of said commissioner; and they shall each receive for actual services rendered and for such time as such services shall be actually required, not less than five dollars (\$5) nor more than ten dollars (\$10) per day, to be allowed by said commissioner; the said commissioner may also employ such agents, servants, nurses or temporary medical assistants for the purpose of carrying into effect the object and intent of this chapter, or of any regulation, as in his judgment shall from time to time be necessary, or authorize the employment thereof by the physicians or health officers in charge of any quarantine or station.

**450. Prohibitions affecting quarantine and contagious diseases.—**Sec. 28. No person, master, captain or conductor in charge of any boat, vessel, railroad car or public conveyance, shall knowingly bring into this city any person or persons diseased of cholera, smallpox, ship fever or contagious or communicable disease whatsoever; and no vessel, boat, railroad car or public conveyance, at any time covered by the said proclamation, shall pass by any quarantine station or place without stopping, nor shall leave the place without the permit aforesaid; and no person stopping in said quarantine or so, as aforesaid, received therein, shall leave the same without first obtaining permission as aforesaid; nor shall any person aid or abet any master, conductor or person in charge of any boat, vessel, railroad car or public conveyance, in violating, neglecting or evading any provision or requirement of this chapter; nor shall any person interfere with, resist, neglect or refuse to obey the orders of any physician, health officer, policeman, or other person in authority, at any quarantine station or place of quarantine, so, as aforesaid, established; nor do any act or thing in violation of, or in disobedience to, any of the provisions, clauses or sections of this chapter; nor shall commit any breach of the peace, nor do any act calculated in any way to defeat or interfere with the provisions or requirements of this chapter, or of any regulation of the said commissioner, physician or officer in charge of any quarantine.

**451. Monthly inspections of city.—**Sec. 30. It shall be the duty of the commissioner of health to make a circuit of observation once in every month to every part of the city and its environs, which, from its location, or from any collateral circumstances, may be deemed to be the cause of the disease; and in all cases where he may discover the existence of any agent, the presence of which will prove dangerous to the health of the city, and there is no ordinance competent to the correction of the evil, he shall immediately report the same to the city council, accompanied with his opinion of the necessity of extraordinary or particular action.

**452. Quarantine stations and hospitals, how secured.—**Sec. 31. The commissioner of health, by and with the approval of the city council may select, purchase, lease and establish such sites, places and boundaries for quarantine stations and purposes, and with the approval of said council, may erect, from time to time, such buildings and hospitals upon such sites and places, and to keep the same in repair, as in his judgment may be deemed necessary.

**453. Record and blanks—Vital statistics.—**Sec. 32. It shall be the duty of the commissioner of health to provide the necessary books for keeping a record of all transactions of said department, including the proper registration of births and deaths, and such other statistical information necessary for efficient working of said department; and shall also keep on hand all necessary blanks, to be used by physicians and midwives, and furnish them with the same on application.

**454. Free vaccination—Certificates to school children.—**Sec. 33. Said



commissioner of health shall always have on hand, so far as practicable, a sufficient quantity of vaccine virus; and he shall vaccinate and revaccinate, without charge, all persons over five (5) years of age who may apply to him for that purpose; and he shall give certificates to children of school age who have been successfully vaccinated and require such certificates for admission to the public schools.

**455. Penalty for violation of health regulations.**—Sec. 34. Any master of a vessel, conductor, captain or any person whosoever, who shall violate any clause, provision, requirement, duty or regulation of this chapter, or any rule or regulation of the said commissioner of health, physician or health officer in the discharge of his duty, or in charge of any quarantine, or any person whosoever who shall fail or neglect to comply with any such clause, provision, requirement, duty or orders, or who shall interfere with, or in any manner resist any officer or agent in the department of health of the City of St. Paul in the discharge of his duty as herein contemplated, or who shall commit any such breach of peace or be guilty of any act or thing calculated to defeat or interfere with the carrying into effect any part of this chapter, or any regulation or order of the said commissioner of health, shall, upon arrest or conviction before the municipal court of the City of St. Paul, be subject to a fine of not to exceed one hundred dollars (\$100) nor less than ten dollars (\$10) for each offense, together with the costs of prosecution. The penalty referred to in sections 10, 13, 16 and 17 of this chapter shall be a fine of not less than ten dollars (\$10) nor more than one hundred dollars (\$100), to be imposed on conviction of the offender in the municipal court of the City of St. Paul.

**456. Prosecutions.**—Sec. 35. It shall be the duty of the corporation attorney and the judge of the municipal court of the City of St. Paul to act promptly in all proceedings approved or prompted by said commissioner of health, and to bring same to a speedy hearing or termination, and to render judgment and to direct execution therein without delay.

**457. Order premises or things detrimental to life or health cleansed—Police force to execute orders of commissioner.**—Sec. 36. Said commissioner of health may order or cause any excavation, erection, vehicle, vessel, watercraft, room, building, place, sewerpipe, passage, premises, ground, matter, or thing, in said City of St. Paul, or adjacent water, regarded by said commissioner as in a condition dangerous or detrimental to life or health, to be purified, cleansed, disinfected, altered, or improved, and may also order any substance, matter or thing being or left in any street, alley, water, excavation, building, erection, place or grounds (whether such place where the same may be, be public or private), and which said commissioner may regard dangerous or detrimental to life or health, to be speedily removed to some other place; and may designate or provide a place to which the same shall be removed, when no such adequate or proper place in the judgment of said commissioner is already provided. The said commissioner may require the police force of the City of St. Paul to execute any of the orders referred to in this chapter, and it shall be the duty of such police force to execute the orders of the said commissioner of health.

**458. State laws to be enforced—Reports from public institutions, theaters, etc.**—Sec. 37. It shall be the duty of said commissioner of health to aid in the enforcement of, and, so far as practicable, to enforce all the laws of this state applicable within the limits of the City of St. Paul to the preservation of human life, or to the care, promotion or protection of health; and said commissioner may exercise the authority given by the laws aforesaid, to enable him to discharge the duties hereby imposed, and this section is intended to include all laws relating to cleanliness, and to the use or sale of poisonous, unwholesome, deleterious or adulterated drugs, medicines or food. And said commissioner is authorized to require reports and information, at such times, and of such facts, and generally of such nature and ex-

tent relating to the safety of life and the promotion of health, as the by-laws and rules of the board of health may provide, from all public dispensaries, hospitals, asylums, infirmaries, prisons and schools, and from the managers, principals and officers thereof, and from all other public institutions, their officers and managers and from the proprietors, managers, lessees and occupants of all theaters and other places of public resort or amusement in said district; and it is hereby made the duty of the officers, institutions and persons, when so called on or required, to promptly give such reports in writing as may be required by said commissioner.

**459. Physicians and midwives to register births—Physicians to register deaths.**—Sec. 38. Every physician, midwife and other person who may professionally assist or advise at any birth, shall make and keep a registry of such birth, and therein enter the time, place, street and number of street of such birth, and the sex and color of the child born, and the name and residence of each of the parents, so far as the foregoing facts can be ascertained; and every physician or professional adviser who has attended any person at a last illness, or has been present by request at the death of any person, shall make and preserve a registry of such death, stating the cause thereof and specifying the date, hour, place and street of such death.

Proper blanks of the above shall be furnished by the department of health.

**460. Reports of births and deaths.**—Sec. 39. That it shall be the duty of every person mentioned in the last section or required to make and keep any such register, to present to the said commissioner of health a copy of such register, signed by such persons, or a written statement by him or her signed, of all the facts in said register required to be entered within five days after the birth, and within twenty-four hours after the death of any person, to whom such registry may or should relate.

**461. Reports of coroners' inquests.**—Sec. 40. That it shall be the duty of all coroners within said City of St. Paul, within three days after the taking of any inquest, to file a written statement with the said commissioner of health, signed by the coroner making the same, stating, so far as he is able, where, and upon the body of whom, such inquest was held, and the cause and date and place of the death of such person.

**462. Reports of contagious diseases.**—Sec. 41. That the said department of health are hereby authorized and it shall be their duty to make such rules and by-laws as to them may seem proper and necessary, for the purpose of compelling all physicians practicing within the limits of the City of St. Paul to make report of all cases of contagious diseases upon which they may be in attendance, and all keepers of boarding or lodging houses, all inn keepers and hotel keepers, to make report of all cases of contagious diseases occurring within their respective houses, and generally to make such regulations and rules as they may deem necessary for the carrying into effect the objects of this section, and of obliging reports of contagious diseases to be made to the said commissioner of health, by persons becoming cognizant of the same.

**463. Interment and removal of dead bodies—Rules and permits.**—Sec. 42. And the said department of health is hereby authorized and it shall be its duty to make rules and by-laws regulating the interment and removal of dead bodies, and their entry into, removal from and passage through the said City of St. Paul, and no dead body shall be buried within the limits of the said City of St. Paul, removed therefrom, or received therein, or passed through the said city, without a written permit first obtained from the said department of health, and to be issued in the manner and under the conditions prescribed by them, and the said department of health shall make all rules and regulations necessary for carrying out the objects of this section.

**464. Cemeteries, jurisdiction over.**—Sec. 43. The jurisdiction of the City of St. Paul shall extend to, and prevail over, all cemeteries within said city,

and it shall be the duty of the department of health to make such rules and regulations as it may deem necessary, regarding the interment of dead bodies within the same, and prescribe the duties of all sextons and keepers of such cemeteries, relative to the reception of and burial of dead bodies.

**465. Orders of department judicial in nature.**—Sec. 44. Copies of the proceedings of said department, of its rules, regulations, by-laws and books and papers, constituting part of its archives, when authenticated by the commissioner of health, shall be presumptive evidence, and the authentication to be taken as presumptively correct, in any court of justice, or judicial proceedings, when they may be relevant to the point or matter in controversy of the facts, statements and recitals therein contained; and the action, proceedings, authority and orders of the said department of health shall at all times be regarded as in their nature judicial and be treated as *prima facie* just and legal.

**466. Jurisdiction over Ramsey county lakes and water courses.**—Sec. 45. The jurisdiction of the department of health of the City of St. Paul shall extend over all the lakes and water courses in the County of Ramsey, to the same extent as within the limits of said city.

**467. Annual reports.**—Sec. 46. Said commissioner of health shall annually, on or before the first day of January, present to the mayor and common council a thorough and comprehensive statement of all matters pertaining to said department during the year, and of all expenditures from the appropriations for the health department, together with the statement in detail of the appropriations required by the department during the next municipal year.

**468. Duties of assistant commissioner.**—Sec. 47. It shall be the duty of the assistant commissioner of health to attend at the health office every day except Sunday, to discharge the duty of seeing that a faithful record is kept of reports and all matters relating to the department of health; and in case of absence or sickness of the commissioner of health, he shall perform all the duties herein assigned to the commissioner of health.

Sec. 48. It shall be the duty of the assistant commissioner, and all other employes in said department of health, to obey and carry out all orders and directions of the commissioner of health, and perform such duties as may be imposed upon them by said commissioner.

**469. Chief of police to execute orders of commissioner.**—Sec. 49. It shall be the duty of the chief of police to cause to be executed all orders of the commissioner of health, so far as they may relate to the preservation of the health of the city, whenever requested to do so by the commissioner of health.

**470. Policemen to report violations of rules.**—Sec. 50. It shall be the duty of every policeman of the City of St. Paul to promptly report at the office of the commissioner of health any violation of the rules of the health department of the City of St. Paul, Minnesota, that may become known to him while on duty.

## CHAPTER XI.

**The Free Public Schools.**

Section 1. The provisions of chapter 36 of the Special Laws of Minnesota for the year 1891, entitled "An act to abolish the board of education of the City of St. Paul, and to repeal an act to amend and consolidate the several acts relating to the board of education of the City of St. Paul, approved February twenty-sixth (26th), one thousand eight hundred and eighty-seven (1887), and an act to amend sections four (4), nine (9), ten (10) and eighteen (18) of an act entitled 'An act to amend and consolidate the several acts relating to the board of education of the City of St. Paul, approved February twenty-first (21st), A. D. one thousand eight hundred and eighty-nine (1889), and providing that the City of St. Paul shall constitute a single independent school district and exercise all the powers heretofore vested in the board of education of the City of St. Paul, are hereby continued in force, as amended by section eleven (11) of chapter seven (7) of Special Laws of 1891, and as modified or amended by chapter 40 of General Laws of Minnesota for the year 1899. Said chapter 36 is in the language following:

**471. Board of education—School inspectors, appointment term, bond.**—"Section 1. That on or before the first (1st) day of May, A. D. one thousand eight hundred and ninety-one (1891) seven persons shall be appointed by the mayor of the City of St. Paul as school inspectors of the City of St. Paul. Each of said school inspectors shall be a qualified elector of, and shall have resided in, said city at least four (4) years prior to the date of his appointment. Three (3) of said inspectors so appointed shall hold said office for the term of one (1) year and two (2) for the term of two years and two (2) for the term of three years, and until their successors are appointed and qualified; and thereafter all school inspectors shall be appointed by the mayor on or before the first (1st) day of March in each year for the term of three years, unless to fill a vacancy by reason of death, resignation, removal or otherwise, and then only for the unexpired term.

"Every person who shall hereafter be appointed to the office of school inspector of said city shall, before he enters upon the duties of his office, take and subscribe an oath to the effect that he will support the constitution of the United States and of the State of Minnesota, and promptly and faithfully discharge the duties of his office, and file the same with the comptroller of the City of St. Paul; and in case any person so appointed to said office shall omit to take and subscribe such oath, and file the same as aforesaid, for the period of five (5) days next after said appointment, such default shall be taken as a refusal to serve, and the mayor of said city may make a new appointment, as in case of a vacancy in said board.

"The board of education as now constituted and organized shall so remain until the fifteenth (15th) day of May, A. D. one thousand eight hundred and ninety-one (1891), at which date the term of all the members of the existing board of education now holding office, or who may be appointed prior to that date, shall expire.

**472. Officers of board—Board not a corporation—City an independent school district.**—"Sec. 2. The several school inspectors of the City of St. Paul, appointed under this act, shall meet on the fifteenth (15th) day of May, A. D. one thousand eight hundred and ninety-one (1891) and on the second (2d) Tuesday of March of each and every year thereafter, for the purpose of electing a president and vice president from their number, and a secretary for the board, whose term of office shall be one (1) year, and until their successors are elected and qualified. They shall also elect a superintendent of the public schools of said city, at their meeting in June, one thousand eight hundred and ninety-two (1892), whose term of office shall be two (2) years, all of whom shall serve until their successors are elected and qualified; provided,

however, that if the organization of the board of inspectors shall not be completed at the time, it may be completed at any future meeting. The president so elected shall be the president of the board, and shall preside at all meetings thereof, and shall perform all other duties as in this act provided. The vice president shall preside at all meetings of this board when the president is absent. The secretary shall keep a true record of the proceedings of said board and perform such other duties as herein provided and as may be ordered by said board. Said board so constituted and organized shall have, possess and exercise, under the supervision and direction of the said city, all the powers and rights that have been and now are vested in the board of education of the City of St. Paul, except the right and power to be a corporation, and except as may be otherwise ordained by the City of St. Paul, under and in pursuance of the provisions of this act. From and after the fifteenth (15th) day of May of the year one thousand eight hundred and ninety-one (1891), the board of education of the City of St. Paul shall cease to be a corporation with power to sue or be sued, plead or be impleaded, and the board of inspectors hereby authorized and created shall, as the head of the executive branch of the government of the City of St. Paul, execute all the powers vested by this act, or by the general laws of the state in any school district, or in the City of St. Paul as a separate and independent school district, and no other powers. And said board of inspectors shall have power to adopt such rules and regulations for its own government as it shall deem best, not inconsistent with the intent and provisions of this act.

"The City of St. Paul shall be and hereby is made a separate and independent school district, and vested with power to contract and be contracted with, sue and be sued, and with all the powers and rights specified in any general law of the State of Minnesota, in relation to school districts in all matters pertaining to public schools in said city, and said powers shall be exercised by and through said board of school inspectors solely under the legislative department of government of the City of St. Paul, except as in this act otherwise provided. And all such public schools shall be free.

**473. Annual report to mayor—School year—Appointment of teachers.—**

"Sec. 3. It shall be the duty of the board of school inspectors organized under this act to make a report to the mayor of the City of St. Paul on or before the first (1st) day of June in each year after the year one thousand eight hundred and ninety-one (1891), showing the number of school children that have attended each of the free schools in said city and school districts during the school year preceding which year shall extend from the first (1st) day of September to the first (1st) day of July, the number of teachers and other employes that have been employed in the free or public schools and the salary or compensation paid to each, and to give a list of the names of all persons employed and the amount of compensation received by each person during the past year.

"Said report shall specify the monthly compensation that they recommend to be paid to each of the teachers or class of teachers of said public schools or other employes for the following school year. Provided, that as far as practicable it shall be the duty of said inspectors in each year to appoint, not later than June fifteenth (15th) all the teachers for the next ensuing school year, and notify each teacher thereof.

"The mayor shall transmit the same, with his approval or disapproval thereof, or such other recommendations as he may make in relation thereto, to the common council of the City of St. Paul, to be convened for the purpose of acting upon the same, within ten (10) days thereafter.

**474. Council action on report—Compensation of teachers—Term of service.—**"The common council shall, by ordinance, have the power to reduce the aggregate or total amount of all the salaries for the ensuing school year, specifying the amount to be taken from the salaries of the teachers and the amount from other employes, but shall not have the power to increase or raise the same, or to fix the amount to be paid to any particular teacher or other employe or to any specific class of teachers (but the board of in-

spectors in these respects shall have exclusive control), and the aggregate amount of the reduction from the aggregate compensations to be allowed and paid the school teachers or other employes for the ensuing year shall be apportioned among said teachers and employes by the board of inspectors, in such manner as said board shall deem just and most conducive to the public welfare; and the amount of compensation to each teacher and each class of teachers and employes, thus fixed, shall be paid to the teachers and employes of the school district and City of St. Paul for the ensuing year, and shall be paid monthly by a requisition of the president of the board of inspectors upon the comptroller, who shall issue his warrants on said requisition upon said treasurer, as in this act provided. Teachers appointed by the said inspectors shall serve during the pleasure of the inspectors, and shall not be subject to an annual election; provided that all teachers so appointed have taught successfully in the schools of St. Paul for at least one (1) year; and provided, further, that the salaries of all teachers and other employes shall be fixed annually, as provided in section three (3).

**475. New schools—Purchase of sites and erection of buildings, who to act.**—"Said board of inspectors shall also, in said report, state the number of sittings for school children in the various public school buildings, and in the high school building of said city, and shall state whether or not, in their judgment, any more sittings are required for the ensuing year, and if, in their opinion, additional sittings are required, they shall state in what particular locality of the city a building may be erected that will accommodate the largest number of children for whom provision is not already made, and specify, as near as they may be able, what the cost by purchase or condemnation will be, of a suitable site for a school building, as well as the cost of a suitable building to be erected thereon. The common council shall, whenever the conditions of the funds derived from the school tax, levied and collected, as provided by law, or whenever any other fund in the city treasury is available for such purpose, thereupon, by a three-fourths ( $\frac{3}{4}$ ) vote, order the mayor and president of the board of education to proceed to obtain such a site and erect a suitable building thereon, in accordance with plans and estimates to be provided by the said board of inspectors. Proposals for furnishing the material and for the erection and construction of said building, and for the grading and preparing the ground for the erection thereof, shall be advertised for by the mayor and president of said board of inspectors for at least three (3) successive weeks, once in each week, specifying the kind, amount of material required, the amount and character of the work to be performed, and giving as fully as may be all the details, both as to material and work to be done, and state that the contract for furnishing said building and doing said work shall be awarded to the lowest responsible bidder, and giving the time and place when and where said proposals will be received and opened. And at the time and place designated in said notice all proposals received for furnishing said material, and for doing said work in the erection and construction of said building, and in grading and repairing the ground for the same, shall be opened in the presence of the bidders, if they desire to attend, and in any event, shall be publicly opened, and the contract for furnishing said material, and for the erection and construction of said building, and grading and preparing the site for the same shall be awarded and let to the lowest responsible bidder who shall be required to give bonds, with good and sufficient surety or sureties, as required by law, to furnish said material and perform said work in accordance with the terms of said contract. Before the proposals are advertised plans and specifications for said building shall be filed with the secretary of the board of inspectors, and shall be opened to the inspection of all people, and especially those who desire to bid upon said contract. When said bids are opened a list shall be made of all the bids received, and the same shall be filed in the office of the city comptroller.

**476. Contracts for sites and buildings.**—"All contracts for the purchase of sites for school buildings and for the erection and construction of school buildings, and material to be used in the same, shall be executed by and be-

tween the contractor and the City of St. Paul, and the amount of money to be paid to any contractor shall be paid from the city treasury upon the warrants of the said comptroller, based upon a requisition drawn upon him by the mayor of the city and the president of the board of inspectors, which requisition shall specify the contract upon which the money required is drawn, the whole amount of money that will become due upon said contract and the proportion of the same that has already been paid, including the requisition drawn.

"All expense incurred by the board of inspectors in procuring and furnishing plans and estimates for school buildings shall be paid for from the city treasury by warrant drawn by said city comptroller upon the city treasury based upon a requisition signed by the president of the board of inspectors.

**477. Building inspector, appointments, duties.**—"Sec. 4. Whenever any school building is ordered erected or constructed by the common council for the City of St. Paul, a building inspector shall be appointed by the mayor and confirmed by the council, whose duty it shall be to thoroughly examine and inspect the work upon said building, as well as said building when completed, and who, before any requisition is drawn for the payment or part payment of materials furnished and work done, shall report, over his own signature, that the materials furnished and the work done upon said buildings has been furnished and done in accordance with the plans and specifications therefor; and when said building is completed, he shall make a final report to the common council, over his signature, specifying fully the kind and amount of material that has been used, and the manner in which said building has been erected and constructed.

**478. Custody of school property—Title to same vested in city.**—"Sec. 5. The board of school inspectors shall have the care, custody and control of all the school buildings and school property in said school district and in the City of St. Paul, including the sites and public properties pertaining to the public or free schools of said city, including those that prior to the passage of this act were under the control of the board of education, and shall see that the same are faithfully and properly cared for and protected. Said board shall appoint janitors and watchmen of said buildings, and the police department of said City of St. Paul and each policeman thereof is charged with the duty of especially and carefully protecting said school property and school buildings in every respect. Said school buildings and the sites on which they are erected, and all property pertaining to the public and free schools of the City of St. Paul which has been and is now in the possession of the board of education of the City of St. Paul, as a corporation, is hereby divested from said board of education and vested in the City of St. Paul in trust, for the uses and purposes of education solely, and shall be held for such purposes and used by said city forever, unless otherwise provided by law.

**479. School tax levy—Restrictions on power to create indebtedness.**—"Sec. 6. The expense of the public schools of the City of St. Paul shall not in any year exceed the amount of money appropriated and set apart therefor by the common council of said city, and the common council of said city is hereby prohibited from making any greater tax levy in any one year for the support and maintenance of the public and free schools of said city than two and one-half ( $2\frac{1}{2}$ ) mills on a dollar, nor less than two (2) mills on the dollar on all property on the assessment roll; out of which amount said council may set apart one-half ( $\frac{1}{2}$ ) mill on the dollar for the erection of additional buildings for school purposes or for creating a fund that shall be set apart for that purpose exclusively. And said board of inspectors shall have no power or authority to create any indebtedness against the City of St. Paul, or to pledge the faith and credit of said city in any respect whatever until after the common council or legislative department of the city government has, by ordinance, ordained what the expenditures for school purposes in said city for the

school year shall be, and then only to the extent of the amounts so set apart by ordinance for school purposes each year; and in no year shall the aggregate amount set apart exceed an amount greater than two and one-half ( $2\frac{1}{2}$ ) mills on a dollar of the property assessed for taxation in said city for such a year, and any violation of this provision shall be a misdemeanor, and upon conviction any party violating the same shall be punished by imprisonment in the county jail for six (6) months.

**480. Monthly reports to mayor and council—Limitations on council.—**

"Sec. 7. It shall be the duty of said board of school inspectors, at the end of each month during the progress of the schools, to report to the mayor the number of children who have been in attendance during the month, the progress that had been made in the various schools, the failures on the part of any teacher to perform his or her duty, and what action the board of school inspectors has taken on account thereof, and upon any and all matters relating to the progress and efficiency of the schools; which report shall be transmitted by the mayor at the earliest time practicable to the common council of the city. The common council of the city shall not have the power to employ or dismiss any teacher or employe, or to exercise any control over the board of school inspectors as to what particular teacher or teachers or employes they shall at any time employ or dismiss; and shall be limited in its power in this respect; to determine the amount of money to be expended for school purposes, which shall not in any one year exceed the amount that may be realized by a levy of two and one-half ( $2\frac{1}{2}$ ) mills upon the dollar upon the assessed valuation of all taxable property in said school district and in said city of St. Paul, in addition to all other funds derived from other sources and applicable to purposes of education within said city.

**481. School supplies, how purchased—School property vested in city for school purposes.—**

"Sec. 8. All supplies for the board of inspectors shall be purchased by a committee consisting of the mayor of the City of St. Paul, the president of the common council of said city and the city treasurer. A statement of the amount of supplies required for the ensuing year shall be made by the board of inspectors on or before the first (1st) day of July in each and every year, which statement shall be signed by said school inspectors and delivered to the mayor of the City of St. Paul; and the said mayor, president of the council and city treasurer shall thereupon advertise for proposals for furnishing said supplies, specifying what supplies are required and the place when and where sealed proposals for furnishing the same will be opened. Said advertisement shall be published for two (2) weeks successively in one or more newspapers published in the City of St. Paul, and specify the time and place when and where sealed bids or proposals shall be opened.

"At such time and place said officers shall attend and publicly open the proposals received for furnishing said supplies, and shall award the contract for furnishing the same to the lowest responsible bidder therefor, and enter into a contract with him for furnishing said supplies. Said supplies shall be delivered to the said board of school inspectors at such time and place and school buildings in said city as may be from time to time required by said board. But nothing in this act shall be construed to extend to material to be used in the erection and construction of school buildings or in the repair of school buildings.

"All public school buildings, all real estate and all property of every name and nature heretofore acquired by the board of education, either as individuals or corporations, by or through the use of funds acquired by the sale of bonds, certificates (of) or other securities for the payment of which the faith and credit of the City of St. Paul or said board of education is pledged, shall be and hereby is transferred to and vested in the City of St. Paul, to have and to hold for the sole and exclusive use and for the support and maintenance of all free common and public schools therein forever; and the foregoing provisions shall extend to the high school building in said city, and the lands and property connected therewith.



**482. School bonds and indebtedness, city to pay.**—"Sec. 9. The City of St. Paul is herewith charged with the payment of all bonds heretofore issued by the board of education of said city, as well as all legal outstanding and floating liabilities, and is hereby required to make provision for the payment of the same from time to time as they shall become due and payable, out of the city treasury, in the same manner as other city indebtedness is paid.

**483. Limitations on contract and debt creating powers of school board.**—"Sec. 10. An act to amend and consolidate the several acts relating to the board of education of the City of St. Paul, approved February twenty-sixth (26th), A. D. one thousand eight hundred and eighty-seven (1887), and the acts to amend sections four (4), nine (9), ten (10) and eighteen (18) of an act entitled 'An act to amend and consolidate the several acts relating to the board of education of the City of St. Paul,' approved February twenty-first (21st), one thousand eight hundred and eighty-nine (1889), are hereby repealed, save that all powers heretofore vested in the board of education are continued in force until the first (1st) Monday in June, one thousand eight hundred and ninety-one (1891); and provided further, that the said board of education shall have no power after the passage of this act to purchase real estate for school sites, to contract for the erection of school buildings or the purchase of school supplies, or to pledge the faith and credit of the City of St. Paul to the payment of any debts on any account whatever, except for the monthly compensation of school teachers and employes employed in said district and the current expenses incurred for fuel and protection of the school buildings and school property, and then only to the extent and in the manner herein authorized.

**484. Monthly reports of comptroller and treasurer.**—"Sec. 11. On the second (2d) Monday of each and every month the treasurer and comptroller of the City of St. Paul shall report in detail to the secretary of said board of inspectors, which report shall be laid before said board at their next meeting, the amount of all public funds in the treasury of said city belonging to and set apart for educational purposes, and to what particular funds or accounts the same is accredited.

**485. School inspectors or employes to have no interest in contracts, etc.—Penalty.**—"Sec. 12. That no member, officer or employe of said board of inspectors, and no officer of said City of St. Paul, while acting as such, shall directly or indirectly be a party to or interested or concerned in any contract or job which said board of inspectors or the City of St. Paul, or in any work prosecuted by its authority, or in the compensation to be received therefor, or in the furnishing of supplies, fuel or transactions prohibited aforesaid, shall be void, and all moneys or other articles purchasable for the use of said board; and any contract which may be paid thereon by said board of inspectors or the City of St. Paul may be recovered back and such officer shall be deemed guilty of malfeasance in the office, and upon conviction thereof the office of any such member, officer or employe so offending shall thereby become vacant and he shall be punished also by a fine not exceeding five hundred (500) dollars or by imprisonment in the county jail of Ramsey county, Minnesota, not exceeding six (6) months.

**486. Acts of legislature, how to be construed.**—"Sec. 13. The president of said board of inspectors and each of said inspectors shall perform and comply with each and all of the provisions of that certain act of the legislature of the State of Minnesota for the year one thousand eight hundred and ninety-one (1891) entitled 'An act to amend the charter of the City of St. Paul, the same being an act entitled to reduce the law incorporating the City of St. Paul in the county of Ramsey and State of Minnesota, and the several acts amendatory thereof, and certain other acts relating to said city, into one act, and to amend the same,' which act was approved March fifteenth (15th), one thousand eight hundred and seventy-four (1874), and the acts amendatory thereof and supplemental thereto, so far as the same impose any duties or restrictions upon said president or any of said inspectors.

"No general or special act hereinafter enacted except such as limit the authority to be exercised, or the amounts to be expended by the inspectors herein mentioned, shall be construed as repealing, amending, or to in any manner affect any of the provisions of this act, unless special reference is therein made in this act.

**487. City treasurer to receive school moneys.**—"Sec. 14. Said City of St. Paul as such separate and independent school district is hereby authorized and empowered, through the treasurer of said city, to apply for and receive from the county treasurer or such other officer as may have the same, any and all moneys appropriated and received for public schools within said district by reason of any general or special law of this state, and such county treasurer or other officer or officers, as may have such money, are hereby authorized and directed to pay the same to the city treasurer of the said City of St. Paul, who shall receive the same for the purposes herein provided.

**488. Wrongful acts of school inspectors or officers—Willful intent need not be shown.**—"Sec. 15. Any vote, neglect, act, or omission by or on the part of any member of said board or any officer thereof, as in this act prescribed, or prohibited, as the case may be, shall be prima facie evidence that the same was done with willful intent to evade the provisions of this act, and upon the prosecution of any person for the commission of any offense in this act defined, it shall not be necessary to prove that willful intent of the person offending, and upon such prosecution, when the wrongful vote or act or omission being shown, the willful intent shall be presumed until the contrary appears.

**489. Habitual truants, duty of school board and city police.**—"Sec. 16. Said board of school inspectors are authorized and empowered to make such provisions and rules concerning children properly enrolled upon the registers of the public schools within said district, who have become habitual truants and who are between the ages of eight (8) and sixteen (16), as will reasonably tend to compel their attendance in such schools; provided, such truant shall have no lawful occupation or business, and are growing up in ignorance and said board of school inspectors may require, and it shall be the duty of the police of the City of St. Paul to assist in the enforcement of said rules and regulations."

The provisions of section eleven (11) of chapter seven (7) of the Special Laws of 1891 are as follows:

"On and after June first (1st) one thousand eight hundred and ninety-one (1891), the words 'the president of the board of education' found in said act, approved March twenty-fourth (24th), one thousand eight hundred and ninety-one (1891), shall be taken and construed to mean the president of the school inspectors, and the board of education shall be taken and construed to mean the school inspectors."

"Sec. 2. The provisions of chapter 40 of the General Laws of Minnesota for 1899, approved March 6, 1899, and entitled "An act relating to public schools in cities of over fifty thousand (50,000) inhabitants, and to provide funds therefor," are also hereby continued in force and adopted and made applicable to the City of St. Paul as a part of this charter. Said chapter is in the language following:

**490. School tax levy, additional amount authorized.**—"Sec. 1. Cities now or hereafter having over fifty thousand (50,000) inhabitants are hereby empowered to raise annually by taxation, independently of, and in addition to other sums for school purposes, authorized by law, an amount not exceeding one and one-half (1½) mills on each dollar of the assessed valuation of taxable property within such city for the purchase of school sites and the erection, repair, furnishing and fitting of public school buildings and the general maintenance of the public schools within such city, and to appropriate the same to such or any of such uses; provided that such sum, to the extent of one (1) mill on each dollar of valuation only, may be appropriated to gen-

eral maintenance, and the remainder thereof shall be applicable to the erection, repair, furnishing and fitting of school buildings and the acquisition of school sites, or one or more of such uses, but shall be appropriated to no other purpose.

"Sec. 2. This act shall be construed as an independent and separate grant of power, and shall in no wise supersede existing provisions of law for raising revenue for the support of schools, whether under general or special laws, but the power here given may also be exercised concurrently with other powers and to provide a greater revenue for the schools within such city, limitations of power under existing laws notwithstanding.

"Sec. 3. This act shall take effect and be in force from and after its passage."

Under and according to the provisions of said chapter forty (40) the common council of the City of St. Paul is hereby empowered to raise annually by taxation, independently of and in addition to other sums for school purposes, authorized by law, an amount not exceeding one and one-half ( $1\frac{1}{2}$ ) mills on each dollar of the assessed valuation of taxable property within such city for the purchase of school sites and the erection, repair, furnishing and fitting of public school buildings and the general maintenance of the public schools within such city, and to appropriate the same to such or any of such uses; provided, that such sum, to the extent of one (1) mill on each dollar of valuation only, may be appropriated to general maintenance, and the remainder thereof shall be applicable to the erection, repair, furnishing and fitting of school buildings and the acquisition of school sites, or one or more of such uses, but shall be appropriated to no other purpose.

## CHAPTER XII.

## The Public Library.

**491. Library board—How constituted—Appointment.**—Section 1. There is hereby established a board of library directors, of the City of St. Paul, for the management and supervision of all public libraries, reading rooms, museums and galleries of art, now or hereafter existing in said city, and all property acquired or set apart for the use or maintenance thereof, and for the control and expenditure, subject to the provisions of this charter and the laws of this state, of all moneys levied, collected or received for such purpose.

Sec. 2. Said board shall consist of nine directors who shall serve without compensation, and shall be chosen from the citizens at large of said city with reference to their fitness for such office. They shall be appointed by the judges of the district court in and for the Second judicial district, county of Ramsey and State of Minnesota, by a majority vote, before the tenth day of July in each year.

**492. Term of office—Oath.**—Sec. 3. Each of said directors shall hold office for the term of three years, and until his successor is appointed and qualified, except as herein provided. Each director shall take and file with the city comptroller at the time of his appointment, an oath to faithfully perform the duties of his office and trust.

The members of the present board of directors of the public library shall constitute the first board hereby established, and they shall serve until their successors are appointed as herein provided.

Prior to July 10th, 1900, there shall be appointed three directors, who shall serve for one year, three directors who shall serve for two years, and three directors who shall serve for three years. Thereafter, one-third of the members of said board shall retire and be appointed annually.

**493. Vacancies.**—Sec. 4. Vacancies in said board, occasioned by removals, resignations, or otherwise, shall be filled for the unexpired term so vacated in like manner as original appointments are made.

**494. Organization—Secretary—Control of library fund and library property—Branch libraries.**—Sec. 5. Said directors, immediately after the appointments are made each year, shall meet and organize by the election of one of their number as president, and a secretary, who may or may not be a member of said board, and by the election of such officers as said board may deem necessary. The secretary shall receive a salary, whether he is a member of the board or not, the amount of which shall be fixed annually by the board.

The board shall make and adopt such by-laws, rules and regulations, for its own guidance and for the government and management of the library, reading room, museum, galleries of art, and the properties belonging to it, or either of them, as may be expedient and not inconsistent with this charter.

It shall have the exclusive control of the expenditure of all moneys received, collected or placed to the credit of the library fund, subject to the provisions of this charter, and of the construction of all buildings, and of the supervision, care and custody of the grounds, rooms, or buildings constructed, owned, leased or set apart for its use, provided that all moneys received shall be deposited in the treasury of said city to the credit of a fund to be known as the library fund, which is hereby created and established, and shall be kept separate and apart from other money of said city, and shall be paid out only upon the properly authenticated vouchers of said board.

Said board shall have power to establish and maintain branch libraries in said city, and to lease and provide proper rooms for the use of said library, its branch libraries, museums and galleries of art. It shall have power to appoint a suitable librarian and necessary assistants, and such employes as it deems best, and to fix and change their compensations and duties from time

to time, and to remove such appointees and in general to do all things requisite and necessary to carry out the spirit and intent of this charter.

**495. Library site and building—board may provide—Property cannot be diverted to other purposes.**—Said board shall have the power to purchase ground in the name of said city, and erect thereon a suitable building or buildings for the use of said library, museum and galleries of art. It shall have power to accept, or, in its discretion, to decline, donations tendered, as provided in section 9 of this chapter, and for the purpose of maintaining and augmenting collections, other than collections of printed books and periodicals, may in its discretion expend moneys and incur obligations not exceeding in any one year ten per centum of the whole amount paid into the library fund for such year.

Said board shall have full power and authority to improve, lease and let any and all property set apart for the use of the library, or otherwise acquired for the purposes herein referred to, upon such terms and conditions, and whenever and as often as it may deem best, and to execute and deliver leases therefor under seal. It may receive and enforce subscriptions for the benefit of the library, and may adopt a seal.

None of the property owned, acquired or set apart for the use of the library shall ever be disposed of except with the unanimous consent of the board, nor shall it be in any manner diverted from the uses determined upon by the board.

**496. Libraries, reading rooms, etc., free to residents of city.**—Sec. 6. Every library, reading room, museum and gallery of art established or maintained under this chapter shall forever be free to the use of the inhabitants of said city, subject to such reasonable rules and regulations as said board may prescribe, and said board may exclude from the use of any of said places any and all persons who shall willfully violate any of such rules or regulations. Provided, however, that said board of directors shall have power, in its discretion, to admit to the benefit of any such library persons not resident within the corporate limits of said city, each of whom shall execute a contract in writing, in the form of a bond to said city, to be approved by said board, conditioned to make good all damage to or loss of books issued to them, with sufficient sureties, and covenanting that the persons so receiving the benefit of the library shall at all times conform to all the laws, rules and regulations governing the said library. And such non-resident patrons shall pay for such privilege, into the city treasury, for the use of said board, such sums, at such times, as may be prescribed by said board.

**497. Annual report—Power of council.**—Sec. 7. The said board of directors shall make to the common council annual reports of its affairs and proceedings, at the time and in the manner prescribed by law and the provisions of this charter.

Sec. 8. The common council of said city shall have power to pass ordinances imposing suitable penalties for the punishment of persons committing injury upon such library or other property under the management of said board, and for injury or failure to return any book or other property belonging to said library, or in any manner connected with any of the uses herein provided for.

**498. Donations may be accepted.**—Sec. 9. Any person desiring to make donations of money, personal property or real estate, for the benefit of such library, or for the establishment, maintenance or enlargement of an art gallery or museum in connection with such library, or for the establishment, maintenance or endowment of public lectures in connection with such library, upon any subject designated by the donor in the field of literature, science and the arts (except that lectures in the interest of or relating to party politics or sectarian religion are expressly prohibited), shall have the right to vest the title to the money, personal property or real estate so donated in the City of St. Paul, for the benefit of said board of directors created under this charter, to be held and controlled by such board, when accepted according to the terms of the deed, gift, devise or bequest of such property; and as to such property the board shall be held and considered to be special trustee.

## CHAPTER XIII.

### Public Parks and Parkways.

#### TITLE I.

##### Board of Park Commissioners.

**499. How constituted.**—Section 1. There shall be a board of park commissioners, to consist of five (5) members, appointed as hereinafter provided, all of whom shall continue in office until the expiration of their several terms and until their successors are appointed and qualified, as provided by this chapter.

**500. Appointments and qualifications—Vacancies.**—Sec. 2. The members of said board shall be residents and free holders of the city, and shall be appointed by the mayor; and except as otherwise provided in this section, each member shall hold his office for the term of five years.

It is hereby made the duty of the mayor of said city, at the expiration of the terms of office of the two present members of said board whose terms expire first after this charter goes into effect, to appoint three (3) persons to be members of said board, one (1) for the term of two (2) years, one (1) for the term of three (3) years, and one (1) for the term of four (4) years. And at the expiration of the terms of office of the two present members of said board whose terms next expire, said mayor shall appoint two (2) persons to be members of said board, one (1) for the term of four (4) years and one (1) for the term of five (5) years and thereafter, upon the expiration of the terms of office of the members of said board so appointed, said mayor shall appoint a successor to each of said members, who shall hold his office for the term of five (5) years.

Vacancies in said board shall be filled by appointment by the mayor for the unexpired term or terms, but the resignation of a member shall not take effect until his successor shall have been appointed and have qualified.

**501. Acceptance, oath—Officers and employes.**—Sec. 3. Each person appointed a member of said board shall, before entering upon the discharge of his duties, file a written acceptance and oath of office in the office of the city comptroller.

The said board shall, at its first regular meeting, after the first Monday in March, in each year, elect from its members a president and a vice president. It shall also, from time to time, appoint and employ such agents and employes as it shall deem necessary, whose compensation shall be fixed by the board, and shall be paid out of the park fund.

**502. Secretary—Annual reports.**—Sec. 4. The city clerk shall be ex-officio secretary of said board, and shall keep an accurate record of all the proceedings of said board; and shall be authorized and empowered to administer oaths in all proceedings under this chapter and incident thereto.

The secretary shall submit to the board, in the month of January of each year, a report of the transactions of the board at its meetings during the last preceding fiscal year, including a detailed statement of the receipts and expenditures of the board during such period, which statement shall have been first submitted to the city comptroller, and approved by him as correct. In the same month the board shall submit to the common council a report of the work done under its supervision, during the last preceding fiscal year, together with a classified and tabulated statement of the expenditures on each and all of the parks and parkways, for maintenance and improvement, respectively, giving under each head the several amounts expended for labor, material and administration; and also a statement of the receipts of said department from every source. The last named report shall be deemed the annual report of the board, and be published as such.

**503. Contract power of board.**—Sec. 5. Such board shall have a common seal, and shall be capable of entering into, performing and enforcing, on behalf of the city, contracts relating to matters within the jurisdiction of the board. All such contracts shall be signed by the president, or vice president, and secretary of the board, and have affixed thereto its official seal.

Sec. 6. Said board may adopt rules governing its meetings and proceedings, and the duties of its officers and employees.

**504. Quorum—Vote on acquiring lands—No compensation to members.**—Sec. 7. A majority of the members of the said board shall constitute a quorum; but a less number thereof may adjourn a meeting from time to time.

An affirmative vote of four-fifths (4-5) of all the members of the board shall be necessary for designating or acquiring lands, which vote shall be taken by ayes and noes, and entered in full on the records of the board.

Sec. 8. Said commissioners shall receive no compensation for their services.

**505. Contracts, interest in.**—Sec. 9. No commissioner, officer or other employe of said board, shall be interested in any contract made under authority of said board, or in any lands to be acquired by said board, except that if any commissioner shall be the owner of or interested in any lands which may be designated and appropriated under the provisions of this chapter, or be entitled to receive compensation therefor, as provided herein, he shall not act officially in respect to any matter in which he shall be pecuniarily interested.

**506. Non-attendance at meetings.**—Sec. 10. The office of any commissioner who shall fail to attend any two (2) consecutive meetings of the board, without reason satisfactory to the board, or without leave of absence from it, may, by said board, be declared and thereupon become vacant.

**507. Management of lands—Park fund—Privileges and concessions.**—Sec. 11. The said board shall have the management and control of all lands which have been or may be acquired for parks and parkways in the city; and shall direct all expenditures from the park fund, for the maintenance and improvement of the parks and parkways, and shall have power to provide, either directly or by lease of privileges, such conveniences, accommodations and entertainments, said board may deem proper for the use, enjoyment or recreation of visitors to said park.

**508. May acquire lands—Donations.**—Sec. 13. The said board may, from time to time, acquire for the city lands for parks and parkways within the corporate limits, in the manner provided in this chapter. Lands may be so acquired in the name of the city by gift, devise, purchase or condemnation, as hereinafter provided, and upon obtaining title thereto the said board may assume possession and supervision thereof. The said board may purchase any pieces or parcels of land contiguous to any park or parkways, of the city, as an addition or extension of such park or parkways, provided, however, that the sum expended for such purpose shall not exceed two thousand (2,000) dollars in any one year, and that the amounts so expended shall be paid out of the park fund. Said board may also accept and receive, on behalf of the city, donations of money or of property for the use of said city for purposes connected with the parks and parkways.

**509. Parkways, power of council.**—Sec. 14. The common council shall have power to set apart any street or avenue, or any section thereof, as a parkway, and to place the same under the supervision of the board of park commissioners for such specific and limited purposes of improvement and ornamentation as may be named in the resolution or ordinance of the common council.

**510. Condemnation of lands—Surveys, plats.**—Sec. 15. When the board of park commissioners shall deem it to be for the public interest that any tract or tracts, parcel or parcels of land shall be condemned for the use of

said city for any public park or parks or parkways, within the limits of said city, and shall so determine by resolution of said board, it shall make an order directing the commissioner of public works to make a survey thereof, a copy of which order, together with a general description of said lands, shall be certified to by the secretary of said board, and by him transmitted to the commissioner of public works, who shall forthwith cause a survey and two (2) plats thereof to be made and transmitted to said board.

**511. Board may contract for lands designated—Measure of damages—Abandonment of proceedings.**—Sec. 16. Said board of park commissioners may contract in the name of the City of St. Paul for the purchase of the lands, or any parts of the lands designed by it, for park purposes, to be paid for in the same manner as other lands so designated, the damages or compensation for which are appraised by the board of public works of said City of St. Paul, as hereinafter provided, and the purchase price for the same shall be paid out of the moneys applicable to the purchase of said land for park purposes when all of it shall have been collected. Said purchase price shall bear interest after the final completion of the assessment herein authorized at such rate, not to exceed seven (7) per cent per annum, as may be agreed upon in said contract; provided, however, such contract shall be executed and recorded before the said board of public works shall have been directed to appraise the damages and assess the benefits as hereinafter described. The sum so agreed upon as the purchase price of said lands shall be taken as the measure of compensation to be appraised by the said board of public works therefor, and shall be reckoned as damages by said board in ascertaining the cost of the property taken in said proceeding, on which it shall base the assessment of benefits to be made. If the proceedings for acquiring said lands so designated shall be abandoned, said contract shall thereupon become void, and in such case the said board of park commissioners shall execute and deliver a release of said contract to the owner of said land, which may be recorded.

**512. Title to condemned lands—Payments from park fund—Assessment of damages and benefits.**—Sec. 17. Said board of park commissioners shall have power, and it is hereby authorized, in connection with the said board of public works of the City of St. Paul, and on behalf of the City of St. Paul, to condemn for the use of said city any tract or tracts, parcel or parcels of land, or any interest therein which may have been designated as hereinbefore authorized by this act, or which may be included in or form a part of any lands so designated, and when such condemnation shall have been completed and the lands paid for as herein provided, the title to such lands shall pass and be vested in the City of St. Paul. When the said board of park commissioners shall deem it to be for the public interest that any tract or tracts, parcel or parcels of land, or interest therein aforesaid, shall be condemned for the use of said city for any public park or parks or parkways aforesaid, within the limits of said city, and shall so determine by a resolution of said board, it shall cause the same to be surveyed and platted as hereinbefore provided. It shall also determine what sum, if any, not to exceed forty (40) per cent of the damages and expenses caused by such condemnation, shall be paid towards the same out of the park fund, as the same then exists, and it shall at the same time, by resolution, appropriate and set apart such amount from the moneys then in the park fund. The same to be held and applied as herein provided towards the payment of any damages or compensation that may be awarded in such condemnation proceedings, including the expense of such proceedings; and, except as hereinafter otherwise provided, said moneys so set apart shall remain in the city treasury and be applicable to no other purpose whatsoever. The said board of park commissioners shall thereupon make an order directing the said board of public works to ascertain and determine the amount of the damages or compensation to be paid to the parties thereto by reason of such condemnation, and also to assess the amount of said damages and expenses, less the amount thereof, if any, so appropriated and set apart out of the park fund as aforesaid on real property



specially benefited thereby in proportion to the benefits accruing to the same, not to exceed said benefits.

A copy of said resolution and order, together with a copy of said plat, shall be certified by the secretary of the said board of park commissioners, and transmitted to the said board of public works for its action thereon. If any parcel or parcels of the land so designated has been purchased by said board of park commissioners in the manner hereinbefore described, a description of said property, with the statement of the purchase price thereof, shall also be transmitted to said board of public works, who shall take the purchase price agreed to be paid for said property as the amount of damages to be awarded therefor.

**513. Assessment proceedings—Notice—Hearings.**—Sec. 18. Said board of public works shall forthwith, on receipt of such order, give twenty (20) days' notice by one (1) publication in the official newspaper of said city, of the time and place of its meeting for the purpose of making said assessment, which notice shall specify what such assessment is to be for and shall describe the land to be condemned, as nearly as may be done by general description.

Sec. 19. All parties interested in said improvement shall have the right to be present and be heard, either in person or by counsel, and the corporation attorney of said city shall be permitted to attend such hearing, to represent the interest of said city.

**514. Evidence as to damages and benefits.**—Sec. 20. Said board of public works shall view the premises to be condemned and receive any legal evidence that may be offered for the purpose of determining the true value of or the damages which will be caused or benefits conferred by reason of the contemplated improvement, and for this purpose any member of said board is authorized to administer oaths to any witnesses produced before the board, and said board is authorized to issue subpoenas, under the seal of the board, to send for persons and papers and to compel the attendance of witnesses. Said board may adjourn from time to time and from place to place until such assessment is completed.

**515. Award of damages—Interest thereon.**—Sec. 21. Said board of public works, in making said assessment, shall determine or appraise to the owner or owners the value of the real estate appropriated for the improvement and the damages arising to them respectively from the condemnation thereof, which shall be awarded to such owners respectively as damages, after making due allowance therefrom for any due share of benefit which such owners may respectively derive from such improvement; and said sum so awarded as damages shall bear interest at the rate of seven (7) per cent per annum from and after the date of the completion of the assessment therefor, as hereinafter provided for, until paid.

Sec. 22. If the damages to any person be greater than the benefits assessed, or if the benefits be greater than the damages, in either case the said board of public works shall strike a balance and carry the difference forward to another column, so that the assessment may show what amount is to be received or paid by such owners respectively, and the difference only shall in any case be collectible or them or paid to them.

**516. Buildings on lands condemned—Owner may take at appraised value—May be sold.**—Sec. 23. If there should be any buildings standing in the whole or in part upon the land to be taken, the said board of public works shall add to its estimate of damages for the land the damages also for the building or part of building necessary to be taken if it be the property of the owner of the land. When owned by any other person the damages for the building shall be appraised separately. The value of such building to the owner to remove, or of the part thereof necessary to be taken, shall also be determined by the said board of public works. Such owner may at any time within ten (10) days after publication of notice that said assessment has been confirmed, notify the said board of public works, in writing, of his

election to take such building or part of building, at its appraisal, and the owner shall have such time for the removal of such building thereafter as the said board of public works shall allow. If the owner shall refuse to take the building at the appraisal, or fail to give notice of his election aforesaid, the board of park commissioners may, after the confirmation of the assessment and after the money is collected or otherwise provided and ready in the hands of the treasurer to be paid over to the owner for his damages, proceed to sell such building or part of building at public auction for cash, giving ten (10) days' public notice of the sale by one publication in the official newspaper of the city, and cause such building to be forthwith removed. The proceeds of such sale shall be paid into the city treasury to the credit of the park fund.

**517. Lands owned jointly or leased.**—Sec. 24. If the land and building belong to different persons or if the land be subject to lease, the damage done to such persons or interest respectively, may be awarded to them.

**518. Assessment of benefits, how apportioned.**—Sec. 25. Having ascertained the aggregate damages for the land taken aforesaid, the said board of public works shall add thereto a sufficient amount to provide for interest probable to accrue before the assessment can be collected, and shall thereupon apportion and assess the entire sum, less the amount appropriated and set apart out of the park fund, if any, together with the cost of the proceedings, upon the real estate by it deemed specially benefited from the appropriation of said land to public park uses in proportion to the benefits resulting therefrom, as nearly as may be, and shall briefly describe the real estate upon which the assessment may be made. If the sum set apart from the park fund by the commissioners as above provided is less than forty (40) per cent of the total amount of damages, costs and expenses as determined and appraised by the said board of public works, together with the costs and expenses, all damages, costs and expenses over said sums so set apart shall nevertheless be raised by assessment in the manner hereinbefore provided, on the property benefited. If said sum so set apart from the park fund proves to be more than forty (40) per cent of the damages, costs and expenses aforesaid, sixty (60) per cent of the damages, costs and expenses shall be assessed on the property benefited, and the balance of said sum in excess of said forty (40) per cent shall then be returned to the park fund for other uses. It shall be the duty of said board of public works, whenever it finds the sum appropriated by the said board of park commissioners is in excess of forty (40) per cent of the total damages, costs and expenses, to notify said board of park commissioners of the amount of such excess within ten (10) days after the assessment is completed and confirmed. The said board of public works shall estimate, as nearly as possible, the cost of printing notices of the assessment up to the time the same would become delinquent, the cost of engineering, in making survey and plats of said improvement, and the treasurer's fees for collecting said assessment, all of which shall be chargeable in said assessment as cost and expenses.

**519. Confirmation of assessment—Notice—Final hearing—Objections—Time limit.**—Sec. 26: When said assessment has been completed, said board of public works shall forthwith cause to be given ten (10) days' notice by one (1) publication in the official newspaper of the city, to the effect that such assessment has been completed, and that at a time and place therein specified the said board will meet for the purpose of hearing objections, and that all such objections must be filed in writing with the clerk of said board at least one (1) day prior to said meeting, and that unless sufficient cause is shown to the contrary the same will be confirmed, said notice shall specify the property assessed and the amount of each assessment. All objections to said assessment shall be in writing and filed with the clerk of said board at least one (1) day prior to said meeting; provided, however, that said board may, at its discretion, allow any party interested who has accidentally or inadvertently omitted to file his objections aforesaid, to do so at the time of meeting

of said board aforesaid. Should no quorum be present at the said appointed meeting of said board, the said meeting may be adjourned by the member or members of the board present, or if none of the members present, by the clerk of said board, to such other convenient time and place as may be deemed expedient provided, further, that nothing herein contained shall preclude said board from causing a new notice aforesaid to be given of a meeting of said board for the purpose of hearing objections to said assessment, and for the confirmation thereof as before required, in case the previous notice shall be found imperfect, in the case of a defect in attendance of the members of said board, or for any other reason which shall be satisfactory to said board for so doing. The said board shall have the power to adjourn such hearing from time to time, and shall have the power, in its discretion, to reverse and correct said assessment, and to confirm or set aside the said assessment, and proceed to make an assessment de novo without any further order from the said board of park commissioners, and upon like notices and in like manner, as above provided. Said assessment shall be finally confirmed within four (4) months after receiving said order from the board of park commissioners directing the assessment, and when confirmed shall be entered in a book kept for that purpose, and shall be final and conclusive upon all parties interested therein, except as hereinafter provided. When said assessment is confirmed, a warrant, under the seal of the board of public works, shall be issued to the treasurer of said city for the collection of the same from the property on which the same has been assessed, signed by the mayor, clerk of said board and the city comptroller. As soon as practicable after the said assessment has been confirmed and entered, the clerk of said board shall cause a brief notice by one (1) publication of the fact of such confirmation and entry, to be published in the official newspaper of said city.

**520. Appeals from assessment of damages—District court to determine questions of jurisdiction and award.**—Sec. 27. Any person whose property has been appropriated and who has filed objections to such assessment as hereinbefore provided, shall have the right, at any time within ten (10) days after the publication of said notice, provided for in the next preceding section, to appeal to the district court of Ramsey county of this state, from the order confirming said assessment. Said appeal shall be made by filing a written notice of appeal with the clerk of the board of public works, specifying the name of the court in which the appeal is taken, and a description of the property of said appellant so appropriated, and the objections of said appellant to such assessment, and by filing with the clerk of said court, within ten (10) days thereafter, a copy of such notice of appeal and objections and a copy of the assessment roll, as confirmed aforesaid, so far as it affects the property in controversy of appellant, all certified by the clerk of said board of public works, who shall also certify on said notice of appeal and objections the date when the said notice was filed by appellant with the said board of public works. The cause shall be docketed by the clerk of the court in the name of the person taking such appeal against the City of St. Paul, as an "Appeal from Assessment." The said cause shall then be at issue and have the preference in order of trial over all civil causes pending in said court. Such appeal shall be tried in said court as in the case of other civil causes, except that no pleading shall be necessary, and on such trial the only question to be passed upon shall be whether the board of public works had jurisdiction in the case, and whether the valuation of the property specified in the objection is a fair valuation, and the assessment, so far as it affects said property, is a fair and impartial assessment. The judgment of the court shall be to confirm the assessment, if it shall have been found that the said board has jurisdiction, and that said valuation and assessment, in so far as the same shall affect the property of said appellant, are fair and impartial. If the court shall find that the board of public works has no jurisdiction in the matter appealed from, then, in such case, the judgment of the court shall be to annul said assessment. If the court shall find that the said board has jurisdiction and shall also find that said valuation is unfair, and that the damages awarded by said board to said appellant are insufficient and inadequate for the

property so appropriated, then, and in such case, the court shall determine and find the amount of damages which said appellant is entitled to receive, over and above the sum awarded by the board of public works, and shall order judgment against the city of St. Paul therefor, which judgment, with interest, shall be paid as other judgments against the city. The amount awarded said appellant by the board of public works, with interest, shall be paid in the same manner as the damages to those persons who have not appealed.

**521. Reassessments, when and how made.**—Sec. 28. When judgment has been rendered on all the appeals taken from said assessment the said board of public works, without further order from the said board of park commissioners, shall without unnecessary delay proceed to make a new assessment, or reassessment, on the property by it deemed benefited by such assessment, for the purpose of raising the difference between the amount originally awarded by said board of public works to said appellant or appellants and the amount which the court has adjudged said appellant or appellants is entitled to receive, together with the cost of said new assessment or reassessment, and said board of public works shall proceed in making said new assessment or reassessment, in the same manner and shall have and take like proceedings as are provided for in the original assessment. If the board cannot find the property benefited by said improvement or appropriation of land to park purposes, to the extent of said additional sum, besides the benefits heretofore assessed, it shall make the assessment to the extent of said benefits. If it is of the opinion that the first assessment was equal to the benefits derived from said improvement, it shall so report to the said board of park commissioners. In making said new assessment, or reassessment, in cases where portions of lots were condemned by the first assessment, and the remaining portions assessed benefits, such untaken portions shall also bear their proportion of assessment for benefits on the new assessment, or reassessment, notwithstanding the owner of such lots may have appealed from the assessment of damages. The proceeds of such new assessment, or reassessment, if any, shall be paid into the park fund, and the same shall thereafter be transferred to the general fund of said city, to reimburse said city for the judgments for increased damages aforesaid rendered against the city, as provided in the preceding section. If the new assessment, or reassessment, proves insufficient, the remainder shall be paid into the general fund of the city from the first unappropriated moneys coming into the park fund, if any.

**522. Payment of damages—Doubtful claimants—Record of deed.**—Sec. 29. When such assessment shall have been confirmed, and no appeal shall have been taken therefrom, or if an appeal shall have been taken when judgment shall have been rendered thereon, the same shall be a lawful and sufficient condemnation of the land or property ordered to be appropriated. There shall thereupon be paid to the owner of such property, or to his agent, the amount of damages which may have been awarded therefor, over and above all benefits assessed as soon as a sufficient amount of the assessment shall have been collected for that purpose. If in any case there shall be any doubt as to who is entitled to the damages for land taken, the city may require of the claimant a bond, with good and sufficient sureties, to hold the city harmless from all loss, costs and expenses, in case any person or persons should claim such damages. In all cases the title to the land taken and condemned in the manner aforesaid shall be vested absolutely in the City of St. Paul. It shall be the duty of the clerk of said board of park commissioners to cause all deeds taken by the city for land acquired for park purposes to be recorded without delay, and the said clerk shall be the custodian thereof. In case no deed is given it shall be the duty of said clerk to cause the county auditor and city treasurer to be notified of the title so acquired by the city giving to each of them a description of the land so acquired. And it shall be the duty of the register of deeds of the County of Ramsey to record all such deeds without requiring the certificate of the county auditor, county treasurer or city treasurer, that the taxes and assessments thereon have been paid.

**523. Treasurer to collect assessments of benefits—Judgment—Redemption.**—Sec. 30. The city treasurer shall proceed to collect the benefits assessed against real estate under the provisions of this chapter, in the manner as in the case of assessments of benefits for other local improvements under the city charter; and the same proceedings shall be had for obtaining judgment to enforce delinquent assessments, and for the sale of property under such judgment, the issuance of certificates of sale therefor, and deeds to the purchaser in case no redemption is made, as provided by law, except that real estate sold under said judgments may be redeemed within ten (10) days from the date of the sale, and may also be redeemed in ten (10) annual installments, payable as follows: One-tenth (1-10) of the certificate at the end of each one (1) of the successive ten (10) years next ensuing the date of the certificate, together with the interest due on the whole amount thereof, unpaid at the maturity of each of said installments, and the certificates of sale issued under this chapter shall conform to the provisions hereof as the time of payment and redemption, all other provisions of law relative to sale for assessments of local improvements, interest before and after such sale, and redemption therefrom, as they now exist or may hereafter be provided, under the city charter, shall be applicable to sales under this chapter.

**524. Appeals from reassessments.**—Sec. 31. The said board of public works shall proceed de novo without further order from the said board of park commissioners, to make a new assessment, or reassessment, in case the first assessment shall be set aside by the district court, and shall have the same power to make reassessments in all cases as in the case of assessments for other local improvements; but in making said reassessment it shall be guided by the provisions of this chapter as to notices and manner of procedure, and in the case of reappraisal of damages the property owners shall have the same rights of appeal as hereinbefore provided. In case the award of damages increased on appeal from a reassessment the said board of public works shall have the power, and it shall be its duty, to make a further reassessment for the difference of damages, as in case of appeals from a first assessment.

**525. Occupation of condemned property, when—Interest on damages ceases when.**—Sec. 32. As soon as the assessments are collected and the proceeds thereof in the hands of the city treasurer, ten (10) days' notice thereof by one (1) publication shall be given by the said treasurer in the official newspaper of the city, and the city may then, and not before, enter upon, take possession of and appropriate the property condemned, and whenever the damages awarded to the owner of any property condemned by said city for public use shall have been paid to such owner or his agent, or when sufficient money for that purpose shall be in the hands of the city treasurer, ready to be paid over to such owners, and said ten (10) days' notice thereof shall have been given in the official newspaper of the city, the city may enter upon and appropriate such property to the use for which the same was condemned.

Interest on all damages payable shall cease thirty (30) days after such notice has been given, save where damages are increased by the district court, in which case interest on the increased amount shall run until money is in the treasury to pay the judgment therefor, and the holder thereof, or his agent, is notified thereof, or the money is paid into court. In case the amount allowed for interest and included in the benefits assessed by the said board of public works is insufficient to pay the interest accrued on damages awarded, the balance shall be paid out of the general fund of the city, and the general fund be reimbursed from the park fund when there are available funds therein.

**526. Record of condemnation proceedings.**—Sec. 33. All proceedings taken by said board of public works in carrying out the provisions of this act shall be recorded in a book or books kept for that purpose by the clerk of said board, describing particularly the respective improvements and the real estate taken and assessed. The said books in which said proceedings

have been entered as aforesaid, and the official files and papers of said board of public works, shall be deemed public records and be prima facie evidence of the facts therein stated, and certified copies thereof by the clerk or officer having proper custody thereof, with the seal of the board attached, shall be evidence in all courts to the same effect as if the originals were produced. The clerk of said board shall be entitled to receive from any private party the like fees as are received for such services by the clerk of any court of record in this state.

**527. Proceedings may be abandoned.**—Sec. 34. Said board of park commissioners, at any time during the pendency of any proceedings for the condemnation of lands as aforesaid, up to and until the time of the confirmation of the assessment by the said board of public works, shall have the right, by a three-fourths (¾) vote, to abandon all proceedings in respect to the whole improvement, whenever it shall deem it for the interest of the city so to do. In case of the abandonment of such proceedings the secretary of said board of park commissioners shall certify such action of the said board to the board of public works, and thereupon said board of public works shall discontinue any further proceedings on its part in the matter.

**528. Description of lands and statement of damages filed with register of deeds—Duplicate plats.**—Sec. 35. As soon as such condemnation proceedings shall have been completed and notice given that the money is in the city treasurer's hands ready to be paid for damages, an accurate description of the lands condemned, together with a statement of the amount of damages awarded and to be paid therefor, shall be certified by the president or vice president and secretary of the said board of park commissioners under its official seal, and filed for record in the office of the register of deeds of Ramsey county, and the said register of deeds shall record the same in the records of transfers of real estate in said county, which record shall be prima facie evidence of the title of said lands and the transfer of all the interest of the former owner or owners of the same to said City of St. Paul.

Said board of park commissioners shall also direct the commissioner of public works to prepare correct plans of all such lands as may be acquired under the provisions of this act, one of which shall be filed in the office of said board of park commissioners and one in the office of said commissioner of public works, and another in the office of the register of deeds of said Ramsey county, to be kept on file and of record in the office of the said register of deeds in the same manner as plats of additions in the said City of St. Paul.

**529. Expenditures from park fund—Assessments collected to be set aside.**—Sec. 36. All expenditures of said board of park commissioners, payment of which is not herein otherwise provided for, shall be paid from the park fund not otherwise appropriated, and all moneys received by said board from any source shall, where not herem otherwise directed, to be paid into the city treasury, to the credit of said fund.

Assessments collected shall be set apart and used only for the purpose for which they were levied. All assessments on property owned by the city shall be paid out of the general fund of the said City of St. Paul. Moneys of the park fund, when set apart for the purpose of paying damages awarded, shall be and remain in the city treasury until the assessments for the same purpose are collected, by sale or otherwise, and shall then be applied with said assessments in payment of said damages.

**530. Expenditures to be audited by park board.**—Sec. 37. All expenditures under this chapter shall be audited by said board of park commissioners, and shall be paid by the city treasurer only upon warrants of said board signed by its president or vice president and secretary, and countersigned by the city comptroller.

All damages payable to property owners shall be paid from the funds provided therefor, and on warrants of said board, signed as aforesaid, and countersigned by the city comptroller. Whenever the said board of park com

missioners appropriates a portion of the park fund for condemnation purposes, as hereinbefore provided, it shall transmit to the city comptroller and city treasurer a copy of the resolution so providing, whereupon said treasurer shall set apart and hold said sum to be applied, as herein provided. If the proceedings are abandoned, or said sum so set apart is ascertained to be in excess of forty (40) per cent of the entire costs of the improvement for which the same is appropriated, said board of park commissioners shall, upon such abandonment or the ascertainment of such excess, notify the said comptroller and treasurer thereof, and in case of an abandonment of condemnation proceedings all the moneys so set apart, and in case of an excess, the portion thereof in excess of forty (40) per cent of the entire costs of the improvement for which the same is appropriated, said board of park commissioners shall, upon such abandonment or the ascertainment of such excess, notify the said comptroller and treasurer thereof, and in case of an abandonment of condemnation proceedings, all the moneys so set apart, and in the case of an excess, the portion thereof in excess of forty (40) per cent of the cost of the improvement shall at once be returned to and become a part of the park fund, and applicable to other uses.

**531. Control of streams, lakes and ponds.**—Sec. 38. Whenever the title shall have been acquired by said city, for park purposes, to land constituting the shores of any stream, lake or pond, said board of park commissioners may regulate and control the use of such shore, and the water contiguous thereto, and in case such ownership shall embrace the entire shore of any such lake or pond, said board of park commissioners is vested with exclusive charge and control of the waters of said lake or pond, and may, in all things, regulate and govern the use of such waters.

**532. Park lands cannot be diverted to other uses.**—Sec. 39. Lands which may have been heretofore, or may be hereafter acquired for park purposes shall not be alienated nor diverted to other uses, and shall remain forever parks and parkways for the use of all the inhabitants of said city.

**533. Rules and ordinances affecting parks and parkways—Fines collected.**—Sec. 40. Said board of park commissioners may adopt rules to secure the quiet, orderly and suitable use and enjoyment of said parks and parkways by the people, and the common council shall provide ordinances to enforce them, and to fix penalties for the violation thereof; which ordinances shall take effect from and after the publication thereof in the official newspaper of said city, and the same shall be enforced by prosecution by the corporation attorney in the municipal court of said city, as in the case of other ordinances of said city. The clerk of the municipal court of said City of St. Paul, shall receive all fines and penalties imposed by the said municipal court for the violation of park ordinances, and shall on the first (1st) Monday of every month deliver to the treasurer of said city all moneys so received, which shall be by him credited to said park fund.

**534. Park policemen, mayor to appoint.**—Sec. 41. At the request of of the said board, the mayor shall, from time to time, appoint such persons as the said board shall nominate for park policemen. All such policemen shall be under the control and direction of and subject to removal by the said board, and shall receive such compensation as may be fixed by the said board, which shall be paid out of the park fund.

All policemen so appointed shall possess all the common law and statutory power of constables, and any warrants for search or arrest, issued by any magistrate or court of record in Ramsey county, may be executed by such policemen in any part of said county.

**535. Water mains and sewers in parkways.**—Sec. 42. The common council of said city shall have the same power and jurisdiction in respect to laying water mains and sewers along the parkways in the said city as it now has in respect to laying the same along the public streets, and the same proceedings for levying and collecting special assessments for sewers along such

streets shall apply to levying and collecting the same for sewers laid along the parkways.

**536. Lands outside city may be acquired by gift.**—Sec. 43. Said board of park commissioners may acquire by gift without the corporate limits of said city, for park or parkways any land or lands, and shall possess the same powers and jurisdiction over said park or parkways as if they were located within the city limits.

## TITLE 2.

### The Care of Street Lawns.

**537. Petition by property owners.**—Section 1. Whenever a majority of the owners of property fronting on any street, or any portion of any street not less than one (1) block in length, in the City of St. Paul, wherein have been constructed or shall hereafter be constructed any grass plots between the sidewalk and roadway of such street, shall file a petition with the common council to place the grass plots in said street, or such portion of the street upon which the property owned by the petitioners shall front, under the care and management of the board of park commissioners of such city, for the purpose of having the grass cut upon such grass plots, when necessary, and otherwise caring for the same, the common council may, upon the filing of such petition, pass a resolution placing the grass plots in the street or portion of the street described in such petition under the jurisdiction, care and management of the board of park commissioners for the purposes aforesaid; and upon the passage of such resolution, it shall be the duty of the common council to furnish to the board of park commissioners a certified copy of such resolution.

**538. Park board may assume charge of grass plots.**—Sec. 2. Upon the receipt by the board of park commissioners of a certified copy of such resolution, the grass plots upon the street or portion of street described in said petition and in said resolution shall be under the jurisdiction, care and management of the board of park commissioners for the purpose of cutting the grass thereon whenever necessary, and otherwise caring for the same, and thereupon the said board of park commissioners may cause the grass in said grass plots to be cut whenever necessary, and otherwise cared for, and the expense of such work shall, in the first instance, be payable out of the general fund of the City of St. Paul.

**539. Cost to be assessed against property.**—Sec. 3. It shall be the duty of the board of park commissioners to at all times keep accurate account of the cost of cutting and caring for the grass, as hereinbefore authorized in this Title, in front of each lot or parcel of land fronting on such grass plots, and on or before the first day of October of each year, said board shall assess the cost and expense of such work as has been done in front of each of such lots or parcels of land since the first day of October in the preceding year, including a proportionate part of the cost of the making of such assessment upon such lot or parcel of land. Provided, however, that no greater assessment shall be levied than two (2) cents for each lineal foot of the frontage of such lots on such grass plots.

**540. County auditor to extend assessments on tax roll.**—Sec. 4. On or before the first day of November of each year, the board of park commissioners shall transmit to the auditor of Ramsey county a certified copy of the assessment roll, and said county auditor shall extend the assessments in proper columns against the pieces or parcels of land assessed, and such assessment shall be collected and the payment thereof enforced in like manner as state and county taxes are collected in such county and state, and the payment thereof enforced. When such assessment shall have been collected, the amount thereof shall be paid by the treasurer of Ramsey county to the treasurer of the City of St. Paul, and shall, by said city treasurer be placed



to the credit of the general fund of said city for the purpose of reimbursing said city for the cost of doing the work on account of which such assessment was made.

If any such assessment shall be set aside as to any real estate for any cause, by the decision of any court or for any cause is found irregular or defective, the board of park commissioners may make a reassessment as to such property, from time to time, and as often as needs be, until each lot or parcel of real estate has paid the cost of the cutting of the grass in front thereof, together with its proportionate part of the cost of making such assessment.

### TITLE 3.

#### The Planting of Shade Trees Along and Upon Streets and Public Grounds.

**541. Petitions for planting shade trees—Cost paid by assessment.**—Section 1. The board of park commissioners may, upon a petition of a majority of the owners of the property fronting upon any street, or any portion of any street not less than one (1) block in length, at its discretion, cause suitable shade trees to be planted along or upon any street or alley or any portion thereof, and upon any public grounds in the City of St. Paul, and may cause to be assessed upon the piece or parcel of land abutting upon such street, alley or public grounds, and benefited by such improvement, the cost of purchasing and planting such trees, together with such sum as may be deemed necessary for the purpose of properly caring for such trees for the period of three (3) years after such planting; the sum so assessed shall not be greater than twelve and a half (12½) cents per front foot upon any piece or parcel of land; and any tree dying within three (3) years after having been planted by said board of park commissioners shall be replaced by said board without additional assessment.

**542. County auditor to extend assessment on tax roll.**—Sec. 2. Said board shall, by resolution, direct the amount to be assessed against each piece or parcel of land, and said assessment shall be deemed to include all pieces or parcels of land benefited, and the secretary of said board shall on or before the first day of October of each year transmit to the auditor of Ramsey county a certified copy of all such resolutions not previously certified to said county auditor, and said county auditor shall extend the assessment in the proper columns against the pieces or parcels assessed, and such assessment shall be collected, and the proceeds of such assessment when collected shall be paid over by the treasurer of Ramsey county to the treasurer of the City of St. Paul to be placed by him to the credit of the park fund of the said City of St. Paul.

## CHAPTER XIV.

### Building Regulations.

**543. Building ordinance, committee to prepare.**—Section 1. As soon as practicable after this charter takes effect the mayor of said city shall appoint a committee, whose duty it shall be to frame an ordinance which shall provide for all matters concerning, affecting or relating to the construction, alteration, removal or maintenance of all buildings or structures erected or to be erected within said city, and shall propose the same to the said common council within a period of two (2) months from and after the date of the appointment of such committee. The said committee shall consist of five (5) members, who shall be citizens of said city, and two (2) of whom shall be at the time of their appointment architects, two (2) of whom shall at the time of their appointment be general building contractors, and one (1) of whom shall at the time of his appointment be a master plumber. The corporation attorney and commissioner of public works of said city shall be ex-officio members of said committee, and the said corporation attorney shall be the attorney thereof and shall perform all legal services required by said committee.

**544. Ordinance cannot be suspended—Amendments must be of general applications.**—Sec. 2. When such ordinance is proposed to the common council, as provided in the preceding section, the council shall proceed to consider the same and shall pass the same in the form recommended by said committee, or with such changes, additions or modifications as the common council shall deem proper. The said ordinance shall at all times be consistent with the provisions of this charter and the laws of the state applicable to said city. The common council shall have no power to suspend the operation of said ordinance, or to amend the same for the purpose of enabling any person or corporation to do or permit to be done any act or thing which is contrary to the provisions of said ordinance, but said ordinance and any amendments thereto shall at all times be of general application.

**545. Compensation to committee.**—Sec. 3. The members of said committee, excepting the commissioner of public works and corporation attorney, shall receive such compensation for their services as may be provided by the common council, except that such compensation shall not exceed the sum of five (5) dollars per day for each member during the time in which he is actually engaged on the work of said committee.

**546. Revision or extensive amendments to ordinance, committee to prepare.**—Sec. 4. If the ordinance proposed by the committee as aforesaid shall not be passed by the common council in the form proposed, or a modified form, or if, after such ordinance is adopted, the common council shall determine that the same needs to be extensively amended or revised, then the common council may, by resolution passed by at least two-thirds (2-3) of the members of each body thereof, direct the mayor to appoint a committee for the purpose of proposing a new ordinance, or amending or revising the ordinance theretofore passed by the common council, and such committee shall be appointed and organized, and shall perform the same duties as provided in the case of the committee provided for in section 1 of this chapter.

## CHAPTER XV.

**Contracts and Contractors' Bonds.**

**547. Contracts exceeding \$200—Competitive bids, notice, award, etc.—**Section 1. All contracts for work to be done for the City of St. Paul, or for the purchase of property of any kind, for the public use of said city, except as otherwise provided for in this charter, in which the value of such work or the price or value of such property shall exceed the sum of two hundred (200) dollars, shall be let to the lowest responsible bidder, reserving to the council the right to reject all bids. In such case the common council shall require a notice of not less than six days for the time and place of letting such contract, by publication in the official paper of said city, which notice shall substantially describe the work to be done and such other particulars as the common council may order, and shall designate the time and place when and where sealed proposals shall be received therefor; the said proposals shall be opened and considered at the first meeting thereafter of either body of the common council, and upon any bid aforesaid being accepted, a contract in accordance therewith shall be drafted and submitted to said council for its approval; and upon the same being approved and signed by the presiding officer of each body of the said council, it shall be executed on the part of the city by the mayor and city clerk with the corporate seal of the city attached, and countersigned by the comptroller, and filed with the bond required by this charter in the office of such comptroller.

**548. Contracts of \$200 or less—Extraordinary emergencies.—**Sec. 2. Contracts for work or for the purchase of property where the value of the work or the price of the property shall not exceed the sum of two hundred (200) dollars, except as otherwise provided by this charter, may be authorized by a resolution of the common council to be made and entered into by any committee or officer of said city designated in such resolution. Provided, that in the event of extraordinary and sudden injury by fire, flood or other unforeseen cause to the bridges, or to any public property of said city, whereby such property or adjoining property may be endangered or damaged, or the public health or safety may require the immediate repair thereof, the said council may authorize the same by resolution passed by a two-thirds (2-3) vote of all the members of each body thereof, but the cost and expense thereof shall not in any event exceed the sum of one thousand (1,000) dollars.

**549. Comptroller not to countersign contracts until money is provided.—**Sec. 3. In the case of any contract provided for in the foregoing sections requiring to be let upon notice as aforesaid, the comptroller shall not countersign the same until provision shall have been made for sufficient money in the appropriate fund to meet the indebtedness incurred by such contract. When the said contract shall have been so countersigned by such comptroller, he shall immediately thereafter deliver a certified copy thereof to the party or parties named in such contract, and until the delivery of such certified copy the same shall not be deemed the contract of said city, and no work shall be commenced or done thereunder until such contract is so delivered, nor shall the same be accepted by said city, or any accounts, claims or demands allowed, audited and paid thereunder.

**550. Contractors liable for personal or property damages.—**Sec. 4. Any contractor or person who accepts a contract under said city shall take the same with the condition that he shall be personally and directly responsible for any and all loss, damage or injury to person or property, by reason of the neglect or failure of himself or any one in his employ, to so perform such work as to guard against all loss, damage and injury to person or property, and shall guard such work by suitable guards by day and with lights at night, so as to prevent any such loss, damage or accident.

**551. Contractor's bond.**—Sec. 5. Before any contract whatever for the doing of any work or labor or furnishing of any skill or material to the City of St. Paul for the erection, construction, alteration or repair of any bridge, public building or other public structure, work or improvement, or in the making of any public improvement whatsoever, shall be valid for any purpose, the contractor therefor shall enter into a bond with said city for the use of the same, and also for the use of all persons who may perform any work or labor or furnish any skill or material in the execution of such contract, conditioned to pay as they become due, all just claims for all work and labor performed and all skill and material furnished in the execution of such contract, and also to save the obligee named in such bond harmless from any cost, charge and expense that may accrue on account of the doing of the work specified in such contract, and also to complete such contract according to the terms thereof and the contract price, and to comply with all the requirements of law, which bond shall be in an amount not less than the contract price agreed to be paid for the performance of such contract, and shall be duly signed and acknowledged by such contractor and two or more sufficient sureties, which bond shall be approved by the mayor of the city and filed with the contract in the office of the custodian of such contract.

**552. Sureties on contractor's bond.**—Sec. 6. The sureties on such bond shall each take and subscribe an oath that he is a resident of the State of Minnesota, and that he is seized in fee of real estate situated in said state and not exempt by law from sale on execution, of the value and worth over and above all incumbrances thereon of the sum for which he is to justify in said bond. More than two sureties may be accepted on such bond and they may justify in separate and different sums less than the sum specified in such bond, provided that the aggregate of their jurisdictions shall be equal to sureties, each justifying in a sum equal to the amount of said bond. No assignment of such contract, no modification of the structure of work covered thereby and no extension of the time within which to complete such contract shall have the effect to release the sureties on said bond.

**553. Surety company bond sufficient.**—Sec. 7. Any company organized under chapter one hundred and seven (107) of the General Laws of Minnesota for 1883, entitled, "An act to authorize the organization and incorporation of annuity, safe deposit and trust companies as amended," and any company referred to in and complying with the provisions of chapter 42 of the General Laws of 1893, entitled, "An act relative to recognizances, stipulations, bonds, obligations and undertakings and to allow corporations to be accepted as surety thereon," approved April 18th, 1893, if satisfactory to the obligee therein, may become sole surety under any bond required by this charter, and in such case so much of the provisions of this act as requires two or more good and sufficient sureties shall be considered to be fully satisfied by the execution of any such bond by such corporation, and none of the provisions of this act relating to sureties or approvals shall be required.

**554. Parties in interest—Actions against city or contractor.**—Sec. 8. Whoever shall perform or cause to be performed any work or labor or furnish or cause to be furnished any skill or material, including any work, labor, skill or material necessary in the repair of any tool or machine and including the use of any tool or machine or material furnished particularly for such contract and used therefor in the execution of such contract at the request of the contractor, his agents, heirs, administrators, executors or assigns or at the request of any sub contractor, his heirs, agents, administrators, executors or assigns, or at the request of the obligee named in said bond, in case such obligee shall have determined such contract and shall have completed the same at the cost of the contractors, shall be considered a party in interest in said bond and may bring action thereon for the reasonable value or agreed price as the case may be, of the work or labor performed or skill or material or tool or machine furnished in the performance of such contract. Such action may be brought by any party authorized as herein-

before set forth to begin the same, whenever his claims are not paid as the same become due. At the time of bringing such suit the plaintiff therein shall notify the obligee named in said bond letting such contract, that said suit has been commenced specifying the names of the parties to said suit, the bond upon which the said suit is brought and the amount and nature of plaintiff's claims and judgment shall not be entered in such action until thirty days after said notice has been given. Any party having a cause of action on such bond may on petition be made a party to any action which may be brought thereon and in said action the court shall adjudicate and determine the right of all parties to said action, and if the amount realized on said bond shall not be sufficient to discharge all such claims in full, the amount realized shall be distributed pro rata in discharge of the claims of the parties in said action, and the obligee named in any such bond shall also be considered a party in interest, and may bring an action thereon whenever a right of action thereon in favor of such obligee shall have accrued.

**555. Additional bond may be required.**—Sec. 9. The obligee named in any such bond, whenever in its judgment one or more of the sureties on such bond have become insolvent or for any cause are no longer proper and sufficient sureties, may require the contractor to furnish a new or additional bond within ten (10) days after notice to that effect; and thereupon if so ordered by such obligee all work on such contract shall cease, or until such new or additional bond shall be so furnished as required, and if a new or additional bond shall not be so furnished as and within the time above required, then said obligee may at its option determine such contract and complete the same as the agent and at the expense of such contractor and bondsmen.

**556. Actions on bond, time, limitation.**—Sec. 10. No action shall be maintained on any such bond unless the same shall be commenced within one year after the cause of action accrues.

**557. Estimates on contracts.**—Sec. 11. Before any contractor, his agents, heirs, administrators, successors or assigns, shall receive any estimate on any contract with the said City of St. Paul for which a bond is required, he, his heirs, administrators, executors, successors or assigns, shall make and file with the city comptroller an affidavit that all claims for all work and labor to date, and for which an estimate is asked, have been fully paid.

**558. Assignment of city contracts prohibited.**—Sec. 12. No contract with said city for the doing of any public work shall hereafter be assigned or transferred in any manner, and any assignment or transfer except by operation of law, of any such contract, shall fully end and determine such contract and shall make the same null and void as to any further performance thereof by the contractor or his assigns, without any notice or preliminary act on the part of said city; and the board of public works of said city may at once proceed to relet such contract, or the commissioner of public works may, in the discretion of said board, proceed to complete the same as the agent and at the expense of such contractor and his bondsmen.

**559. Bond or certified check accompanying bid.**—Sec. 13. The common council shall have power to require all bids for work to be done for the City of St. Paul, or for the purchase of material or property of any kind for the public use of said city, to be accompanied by a bond on the part of the bidder in such sum and with such sureties and conditions as the common council may prescribe, but any such bidder has the option to make a deposit of a check certified by a solvent bank and payable to the City of St. Paul, or of cash in lieu of such bond.

## CHAPTER XVI.

## Salaries, Fees and Reports of City Officers.

**560. Salaries to be paid monthly.**—Section 1. For the faithful discharge of the duties of their respective offices, the following named city officers and employes of the City of St. Paul shall receive per annum, payable in equal monthly installments out of the city treasury, the salaries herein specified. Provided, however, that the present incumbents of the offices of city clerk, building inspector and president and members of the board of water commissioners shall continue until the expiration of their respective terms of office, to receive compensation at the same rate at which they were compensated prior to the adoption of this charter:

The mayor.....	\$2,500.00
The mayor's secretary.....	1,200.00
Each assemblyman and alderman.....	100.00
The city comptroller.....	3,500.00
The city treasurer.....	4,000.00
The city clerk.....	3,000.00
The corporation attorney.....	5,000.00
The first assistant corporation attorney.....	2,500.00
The second assistant corporation attorney.....	1,200.00
The third assistant corporation attorney.....	1,200.00
The commissioner of public works.....	5,000.00
The first assistant commissioner of public works.....	2,500.00
The market master.....	1,000.00
The chief of police.....	2,500.00
The chief commissioner of health.....	2,400.00
The assistant commissioner of health.....	1,200.00
Each judge of municipal court.....	4,000.00
The clerk of the municipal court.....	2,500.00
The deputy clerk of the municipal court.....	1,200.00
The stenographic reporter of the municipal court.....	1,200.00
Each member of the board of public works.....	2,500.00
The chief engineer of the fire department.....	2,500.00
The first assistant engineer of the fire department.....	1,800.00
The second assistant engineer of the fire department.....	1,600.00
The superintendent of the fire alarm telegraph.....	1,300.00

**561. Clerk hire allowances.**—Sec. 2. The common council may from time to time fix and provide for clerk hire, as follows, viz:

For the office of city comptroller, not to exceed in the aggregate.....	\$5,000.00
For the office of city treasurer, not to exceed in the aggregate.....	8,000.00
For the office of city clerk, not to exceed in the aggregate.....	4,600.00
For the office of corporation attorney, not to exceed in the aggregate.....	1,800.00
For the board of public works, not to exceed in the aggregate.....	3,420.00

**562. Number and compensation of employes of commissioner of public works.**—Sec. 3. The common council shall from time to time fix and provide for the number and compensation of all employes of the department of the commissioner of public works, other than the said commissioner and his first assistant, including all other assistants and employes of said commissioner as ex-officio building inspector. But in no case shall the compensation of any such assistant or employe exceed the sum recommended to be paid by said commissioner of public works; and the aggregate of said amounts of compensation shall not in any fiscal year, exceed the sum limited by this charter for the total expenditure of the department of said commissioner of public works.

**563. Extra compensation not allowed city officials—Exceptions.—**Sec. 4. None of said officers or officials, and no employes of said city, shall receive any other or greater sums than the salaries provided for in this charter in any manner for services performed for said city; and such salaries shall be taken as including compensation for all services rendered by any of said officers, officials or employes in any other office or employment for said city, or while acting in any other capacity than as hereinbefore designated, excepting only that nothing herein contained shall apply to the mayor or prohibit any assemblyman or alderman who may serve on the board of equalization or abatement of Ramsey county, or upon the joint court house and city hall committee, from receiving such compensation therefor as may be provided by law.

**564. Fees, costs, etc., city to receive—Exception.—**Sec. 5. The fees, costs, percentages, penalties, allowances, rewards and perquisites, and all other sums of whatever kind, which are by virtue of any law, city ordinance or otherwise paid or required to be paid to the commissioner of public works, or to the city treasurer or to the clerk of said city or the clerk of said municipal court, or to the market master of said city, or to any officer, official or employe of said city, or which any of said officials or employes is or may hereafter be authorized to charge, receive and collect for any official services rendered by him or in his office, except the respective salaries provided for under this charter, shall be received and collected by such city officer, official or city employe respectively to and for the sole use of the said City of St. Paul as public moneys belonging to said City of St. Paul, and not otherwise, and shall be accounted for and paid over forthwith into the city treasury. This section shall not apply to fees paid stenographer or municipal court for transcripts.

**565. Record book of fees, etc.—**Sec. 6. It is hereby made the duty of every officer, official and employe of said city who receives or is entitled to receive and collect any fees, costs, percentage, penalties, allowances, rewards or perquisites, to keep a proper record book, which shall and must show at all times the services performed by him, and the charges for such services, the daily money receipts of their respective offices from all sources whatsoever; and such moneys received shall and must be entered upon the record books at the time such were received, together with the name or names of the parties from whom received, and the date, character and matter in which such services were rendered, which said record book shall at all times be subject to examination by the common council of said city, or any committee thereof, or by any citizen or tax payer of said city; and any such record book shall be part of the records of the offices in which the same are kept and belong to the City of St. Paul and shall be delivered to the successors in office.

**566. Monthly reports of fees, etc.—**Sec. 7. It is hereby made the duty of every such officer, official or employe to make and report to the common council of said city monthly at the end of each month during their respective terms a true and correct account and statement under oath, in detail giving items and dates of all fees, costs, percentages, penalties, allowances, rewards and perquisites of every kind charged and chargeable in his office, or in the discharge of the duties thereof, or received or recoverable by him for any service rendered by him in his office during the month next preceding the time for making such account and statement, showing the whole amount thereof, how much thereof has been received or collected, and how much thereof remains uncollected, the names of the persons by whom any of the same are owing, and the amount owing by each, and the reason why the same remains uncollected.

**567. Penalty for violations of above.—**Sec. 8. In case any officer, official or employe shall fail to pay over into the city treasury any money due or owing from him to said City of St. Paul under the provisions of this charter,

for a period of thirty (30) days after the same shall be owing and payable as aforesaid, or if any one of said officers, officials or employes with intent to violate any of the provisions of this chapter, fail to make and furnish the accounts and statements and records herein required at the time and in the manner herein specified, or shall willfully make any such account, statement or record false in any material matter, knowing the same to be so, or shall willfully violate any of the foregoing provisions, he shall upon conviction thereof be adjudged guilty of misconduct in office and shall be immediately removed therefrom, and shall be punished and sentenced to pay a fine, for the use of said City of St. Paul, of not less than two hundred (200) dollars, and not more than two thousand (2,000) dollars for each offence, for the payment of which amount, and other amounts due from him to said City of St. Paul, his sureties upon his official bond shall also be liable upon such bond to be recovered in the name of the City of St. Paul.

**568. Yearly reports of city officers.**—Sec. 9. On or before the first Tuesday in April in each and every year after the close of the fiscal year next preceding, the city comptroller, the city treasurer, the city clerk, the commissioner of public works, the corporation attorney, the board of police, the board of public works, the board of water commissioners, the board of park commissioners, the board of fire commissioners, the commissioner of health, the board of control, the board of school inspectors, the board of workhouse directors, the clerk of the municipal court and the board of library directors, shall in addition to the reports now required by law, and in addition to any reports that may be from time to time ordered by the common council, make full and detailed reports to the mayor and common council of said city, of all the transactions, operations, receipts, disbursements and accounts of their respective boards and offices for the year next preceding the first day of January of the year in which said reports are required to be made by this section. Such reports shall respectively show, among other things, all moneys received and from what sources received, all moneys paid out and on what account paid out, and the number and description of the warrant upon which the same was drawn and paid, and reference to the law, order, contract or authority requiring the same to be paid. And the common council of said city is hereby authorized and empowered to cause to be printed such a number of said reports annually as the public interests may require, not exceeding 1,000 copies of any report.

**569. Penalty for failure to make such reports.**—Sec. 10. Any officer and all members of any board designated in the next preceding section who shall fail to make the report in said section required, in the time and manner in said section provided, or to make any report which is now or may hereafter be required of him by law or by any order of the common council of said city, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred (100) dollars, nor more than five hundred (500) dollars, or by imprisonment in the county jail for not less than thirty (30) days, nor more than ninety (90) days, or by both such fine and imprisonment.

**570. Officer or board failing as above may be suspended from office by council.**—Sec. 11. Upon the failure of any officer or board designated in the foregoing sections of this chapter to make an annual report or any other report to the mayor and common council of the City of St. Paul, as provided by law or the order of said council, said council shall have the power, and it shall be its duty, to suspend such officer or board from all power or authority to further discharge its duties, and by ordinance to prohibit such officer or board from receiving any salary or compensation until such order of suspension is revoked, and no such officer or board shall receive any compensation or salary, pending the order of suspension. The common council of said city is authorized and empowered to seize all books, vouchers, accounts, papers and property of every description, in, or pertaining to the office or the officer or board, failing to make reports as required by law, and



to appoint an auditor or board of auditors to make such report from the books, papers and vouchers found. If, upon such report being made, and after due hearing thereon, it shall appear to the common council that such officer or any member of such board, has been guilty of any corrupt or fraudulent conduct in office, said council shall have power to declare the office of such officer or members of such board vacant, and to fill the same until successors are duly elected or appointed and qualified as provided by law.

## CHAPTER XVII.

### Assessment of Property for General Taxation.

The provisions of law relating to the assessment of property for general taxation as they now exist are continued in force and made part of this charter. Such provisions are as follows:

**571. County assessor—Appointment, qualifications, oath, bond—Vacany, how filled.**—Section 1. The chairman of the board of county commissioners and the auditor of the County of Ramsey, together with the president of the common council of the City of St. Paul, shall constitute a board of appointment for the purpose named in this act who are authorized and required on the tenth (10th) day of March, or as soon thereafter as practicable, and every alternate year thereafter, on the tenth (10th) day of March, or as soon thereafter as practicable, to appoint a suitable person as assessor for the County of Ramsey, who shall be, at the time of his appointment, a resident freeholder and qualified elector of said county, and shall hold office for the term of two (2) years, commencing on the tenth (10th) day of March, the date of his appointment, and until his successor is appointed and qualified. The said board, or a majority of them, shall have power to fill all vacancies in said office occasioned by death, resignation, removal or other cause, for the unexpired term or otherwise. The said board, or a majority of them, shall have power to remove at pleasure such assessor at any time from office. Such assessor before commencing his duties, shall take and subscribe an oath of office, and give bond in the penal sum of five thousand (5,000) dollars, to the State of Minnesota, with sureties to be approved by any one of said board, in the manner and form required of assessors under the general laws of this state, relating to taxes, as far as applicable to this act, which oath and bond shall be filed with the county auditor of said county. (S. L. 1875, Ch. 90, Sec. 1.)

**572. Assistant assessors, appointment, compensation, bond—Sec. 2.** Such assessor shall have power to appoint one or more assistant assessors under him, each of whom shall be a resident freeholder and qualified elector of said county, and the same at pleasure to remove, for whose acts he shall be responsible. Each assistant assessor aforesaid shall act under the direction of the principal assessor, and may be assigned by such principal assessor, such district or portion of said county, or such other duties as such principal assessor may deem expedient, and shall receive such compensation as such principal assessor may deem advisable. Provided, that each township shall be entitled to its own assistant assessor, who shall be appointed by the principal assessor, subject to the approval of the board of supervisors or a majority thereof from each township; and, provided further, that the compensation of any such assistant assessor shall not exceed twelve hundred (1200) dollars in or for any one year, and that the compensation in the whole for assistant assessor shall not exceed, in or for any one year, the sum of two thousand (2,000) dollars. The office of such assistant assessor, unless otherwise sooner determined, shall terminate at the time of the termination of the office of the principal assessor by whom he was appointed. Such assist-

ant assessor shall take and subscribe an oath of office, and give bond to the State of Minnesota in the penal sum of one thousand (1,000) dollars with sureties to be approved by the principal assessor, in manner and form required by assistant assessors, under the general laws of this state relative to taxes, as far as applicable to this act; said bond and oath of such assistant assessor shall be filed with the county auditor of said county. (Ib. Sec. 2.)

**573. Duties and powers of assessor.**—Sec. 3. Said principal assessor, by himself, or with the aid of his assistant assessors, shall assess all property subject to taxation under the general laws of this state, within said County of Ramsey, including the City of St. Paul, and shall have within said County of Ramsey, including the City of St. Paul, all the powers, rights and privileges allowed, and discharge all the duties of assessors required by the general laws of this state relative to taxes or otherwise, whether for state, county, city, town or other taxes, assessable under the general laws of this state, and shall proceed in the manner prescribed by the general laws of this state, relative to taxes, except as otherwise provided in this act. (Ib. Sec. 3.)

**574. Books, abstracts, etc., to be furnished by county auditor.**—Sec. 4. The county auditor of the county shall deliver to the assessor of said county, on or before the first day of March in each year, or as soon thereafter as practicable at the expense of the county, such books, abstracts, maps, blanks and other papers needed by said assessor, and by his assistant assessor, as are required by law to be delivered to assessors. (Ib. Sec. 4 as amended, S. L. 1877, Ch. 172, Sec. 1.)

**575. Separate assessment roll of each ward and town.**—Sec. 5. Said assessor shall enter upon the discharge of his duties as soon as the said books and blanks are ready, and shall make and return, in the manner prescribed by the general laws of the state, a separate assessment roll or return of each ward of the City of St. Paul and towns in said county of Ramsey, on or before the first Monday of July, annually, and to be contained in suitable books to be furnished by the county auditor, and which said returns shall be certified, and subscribed in each case by the said principal assessor, and the whole returns for the county, showing the aggregate amount of the assessment to be made, on or before the 15th day of July in each year. (Ib. Sec. 5, as amended, S. L. 1877, Ch. 172, Sec. 2.) (All property assessed prior to May 1st in said county shall be assessed with reference to its value at the time of assessment, except new buildings and merchandise.) (S. L. 1876, Ch. 215, Sec. 3.)

**576. Record of assessments and proceedings.**—Sec. 6. The county commissioner of said county shall provide a suitable office for said assessor, to be opened to the public during the usual business hours, as other public offices of said county, and the said assessor shall keep therein a record of his assessments and other proceedings, in a suitable book or books, to be provided at the expense of said county. (Ib. sec. 6.)

**577. Legislative acts repealed.**—Sec. 7. Sections two (2), three (3), four (4), five (5), six (6) and seven (7) of chapter eight (8) of the act of the legislature, entitled, "An act entitled an act to reduce the law incorporating the City of St. Paul, in the County of Ramsey, in the State of Minnesota, and the several acts amendatory thereof, and certain other acts relating to said city, into one act, and to amend the same," passed March 5th, 1871, and all parts of any acts of the legislature, inconsistent with this act, shall, after an assessor shall be appointed and qualified under this act, be repealed and of no force; provided, that nothing herein contained shall affect the validity of any assessment heretofore made, or proceeding thereon, or shall have any application to any provision of the charter of the City of St. Paul, or any statutes relative to assessments for local improvements in the City of St. Paul, or to the board of public works of said city. (Ib. Sec. 7.)

**578. Board of equalization.**—Sec. 8. In each year, prior to the first day of September, the board of county commissioners of Ramsey county, shall

elect from their number three (3) persons, and the common council of the city of St. Paul shall elect from their number four (4) persons, and the said persons so elected, together with the city assessor of St. Paul, the mayor of said city, the county auditor and one (1) assessor from the county, to be appointed by a majority of the township assessors, shall constitute a board of equalization, whose duty it shall be to equalize the assessments of property within the County of Ramsey, as provided by the general laws of the state in relation to the equalization of assessments of property for taxation. (S. L. 1876, Ch. 212, Sec. 1.)

**579. Meetings of board of equalization—Vacancies.**—Sec. 9. The said board of equalization shall meet at the office of the county auditor, on the first day of September, at ten (10) o'clock a. m., unless said first day of September should come on Sunday, in which event they shall meet on the second day of September. Each member shall take an oath, that he will make a fair and impartial equalization of the assessment in said county, without fear or favor, according to law, but the omission to take such oath shall not invalidate his official acts, or the acts of said board. The auditor shall give at least one week's notice of the time and place of meeting, by publication in the official paper of the City of St. Paul, six (6) days prior to the day of meeting, but any omission to perform this duty shall not invalidate the action of said board. A majority of said board shall constitute a quorum, and they shall appoint a chairman and clerk. Said board may adjourn from time to time and may continue in session until their business is completed. Vacancies of members elected by the said council shall be supplied by said council and vacancies of members elected by said board of commissioners, may be supplied by said board of commissioners. The said board of equalization shall complete its business on or before the 28th day of September. (Ib. Sec. 2.)

**580. Aggregate of valuations cannot be reduced—Arbitrary assessments excepted.**—Sec. 10. Said board of equalization shall not have power to reduce the general aggregate of valuations as returned by the assessors of the county, except in cases where arbitrary assessments of personal property may have been made by said assessors, or where said assessors may correct errors in their returns. In cases where arbitrary assessments have been made on account of sickness or absence of taxpayers; or on account of their failure or refusal to make returns as required by law, or otherwise, the board shall have power to make any abatement which the assessors in each case may recommend, after examining the person assessed under oath, without regard to the reduction of the assessment below the general aggregate. Provided, that the powers of the state board of equalization shall not be affected by anything contained in this act. (Ib. Sec. 3.)

**581. Compensation.**—Sec. 11. Each of said persons comprising said board of equalization shall be paid out of the county treasury the sum of three (3) dollars per day, for every day's actual service aforesaid. (Ib. Sec. 4.)

**582. Abatement of taxes.**—Sec. 12. After the final adjournment of said board, the four (4) persons appointed by the council, together with the mayor and county auditor, or a majority thereof, shall have power until the first day of September next, with respect to property assessed in St. Paul, upon proper cause shown by the party aggrieved, to make such an abatement of taxes, or penalties, or both, as they may deem just, and to order any tax which has been improperly assessed or paid by mistake, to be refunded by the county treasurer. Provided, that no such abatements shall be made, except upon a written statement of the person aggrieved, subscribed and sworn to, which shall be filed and kept by the county auditor. And provided further, that with respect to all property within said county, outside of the limits of St. Paul, the rights and duties of county commissioners as to abatements under the general laws shall remain unimpaired; and, provided, further, that no abatement of state taxes shall be made without the consent of the auditor of state. (Ib. Sec. 5.)

## CHAPTER XVIII.

## Plat Commission.

All the provisions of that certain act of the legislature of the State of Minnesota, entitled "An act to amend and consolidate an act to provide for a plat commission of Ramsey county, approved March 7, 1881, and the several acts amendatory thereof," approved February 22, 1887, being chapter 108 of the Special Laws for 1887, so far as applicable to the City of St. Paul, are hereby continued in full force, said act being as follows, viz:

**583. How constituted—Compensation.**—Section 1. That there is hereby created a board in and for Ramsey county to be called the "plat commission of Ramsey county," which shall consist of four (4) members, one (1) of whom shall be ex officio the city engineer of St. Paul. They shall be freeholders and electors of said county, to be appointed by the chairman of the board of county commissioners of said county, and the president of the common council of the City of St. Paul, one (1) of whom shall hold his office for one (1) year, one (1) for two (2) years, and one (1) for three (3) years, and the city engineer shall hold his office as a member of said commission, during his incumbency of the office of city engineer, and until their successors are elected or appointed and qualified. Said persons, before they enter upon the duties of their office, shall take an oath to faithfully discharge the duties of their office, which oath shall be filed in the office of the auditor of Ramsey county; said commissioners shall receive for their services under this act as follows:

The city engineer for his services shall receive such compensation as may be allowed him by the board to cover all expenses incurred by him in the examination or survey of any territory within the city limits of St. Paul, or Ramsey county, which said board may deem necessary to require being examined or surveyed upon presentation of proper vouchers therefor, approved by said plat commission. The other three (3) commissioners shall receive for their services ten (10) cents for each lot or parcel of land contained within the boundary of each plat or map submitted having thirty (30) or more lots or parcels laid out thereon; and three (3) dollars for each plat or map having thereon a less number than thirty (30) lots or parcels; to be paid for by the owner or owners of the land so platted or mapped.

Provided, all fees shall be paid in advance at the time of submission of the plat or map to the board, and in case of the rejection by said board of any plat or map so submitted, the fees on the same shall be at once returned to the party entitled to receive the same.

**584. Organization—Term—Quorum.**—Sec. 2. Said plat commission shall at their first meeting in January of each and every year, elect one (1) of their number as chairman, and one (1) of their number as secretary.

Said chairman shall preside at all meetings of the board, and in his absence one of the other members shall preside temporarily and shall perform such duties as usually appertain to chairmen of similar organizations. The secretary shall keep the records and minutes of the board in books, maps, plats or other documents as may be necessary to be procured by the secretary on authority of the board, and shall be paid for by the City of St. Paul upon the presentation of proper vouchers therefor, duly signed by the chairman and attested by the secretary. Said secretary shall be the custodian of all maps, books, records and documents belonging to said commission or board, which are hereby declared to be public records, as also the present records now in their possession and shall deliver them to his duly qualified successor in office.

All future appointments on this board, so far as relates to three (3) of said commissioners, shall be for the term of three (3) years, two (2) of whom

shall be a quorum for the transaction of business, and constitute a majority of said board for the approval of plats or maps, and shall hold their offices until their successors are appointed and qualified. The city engineer, as herein provided, holding his membership of said board ex-officio.

**585. Territory may be examined before plat is accepted.**—Sec. 3. That before any plat or map of any addition, rearrangement, subdivision or any other plan of platting any territory, within or without the limits of the City of St. Paul, county of Ramsey, shall be accepted, said board may, if deemed necessary, examine the same and the ground or territory covered by such plat or map, and for that purpose may require the city engineer to cause such examination to be made; and it is hereby made the duty of said city engineer to make such examination and carry out the requirements of said board, and report his action thereon to them; and if, in the judgment of said board or a majority of them, such plat or map dedicates streets and public parks for the public health and travel, on the ground or territory covered by said plat or map, when the same shall be covered by buildings for a city or town, and that such streets are suitably laid out with reference thereto, and to the topography of such streets and their width, and as far as practicable to correspond with the streets, avenues, etc., of any adjoining plat or map of a town, city or village; provided, that all expenses incurred by reason of the city engineer's examination, survey, report, etc., of any tract or tracts of land which shall have been referred to him in accordance with the provisions of this act, shall be paid for by the county commissioners of Ramsey county, whenever the same shall be outside the limits of the city of St. Paul, and within the limits of Ramsey county, and for all like expenses which may be incurred for like services by said city engineer, shall be paid for by the city of St. Paul, whenever the same shall be within the limits of said City of St. Paul. Said plat commissioners shall then approve the same.

Whereupon the same, if the territory so platted is within the limits of the City of St. Paul, shall be presented to the common council thereof for acceptance by them. And no plat of any land laid out, or of land covered by any replatting, shall be filed or recorded until such approval is had and endorsed upon such plat and signed by said commissioners or a majority of them.

**586. Plats in duplicate to be filed with register of deeds.**—Sec. 4. All plats presented to said plat commissioners for acceptance by said commission must be drawn in duplicate on good and substantial canvas-backed paper, and shall be of uniform size, that is, twenty-two (22) inches in width and thirty (30) inches in length. If said plat shall be accepted by said commission, they shall endorse their acceptance and approval of one (1) of said plats or maps and certify to the other one (1) as a true copy of the one (1) approved and accepted by them. When said plats shall be presented to the register of deeds for record, the map endorsed as approved and accepted by the plat commission shall be filed of record as the original plat; the other shall be certified by the said register of deeds as a true copy of the original plat; the plat or map filed as the original shall only be open to inspection in presence of the register of deeds or of one (1) of his deputies, the certified copy shall be open to the inspection of the public during business hours. The originals, as well as the copies, shall, from time to time, be bound in separate books in good and substantial binding, whenever a sufficient number of plats or maps have accumulated in the register of deeds' office to make a book; the cost and expense of said binding to be paid by the county of Ramsey. No plat or map shall ever be accepted by said plat commission unless the same are presented in duplicate as aforesaid, nor shall said register of deeds ever file for record any plat or map, unless a true copy of the original map or plat shall be presented with the original map or plat as aforesaid; and no plat or map shall ever be accepted or approved by said plat commission unless the certificate of the engineer or surveyor making the same shall state at the corners of each and every block an iron monument has been placed, said monument shall be at least fifteen (15) inches in length, and one and one-half (1½) inches in diameter.

**587. Curved lines, streets, etc.—Streets, etc., dedicated to public.—Sec. 5.** All maps or plats having curved lines of streets, avenues, parks, blocks, lots or parcels of and, the radius, courses and distances of each must be distinctly shown by letters and figures on said plats or maps, also the boundary of the land so platted shall be shown by a red dotted line, and in case of the platting of rearrangements or subdivisions of lots and blocks, the original platting and description of the same shall be shown on the plat or map of such arrangements or subdivision by faint lines, letters or figures. Provided, that in all cases of plats or maps presented for approval, whereupon streets, alleys, parks, boulevards, avenues, etc., or any of them are dedicated to the public, the owner, agent or person presenting the same, shall submit to the plat commissioner an abstract of title of the land so platted, and if it shall appear that any mortgage lien exists on said land, the approval of the plat commission shall be withheld until a release of said mortgage or mortgages is properly made, so far as the same may relate to any streets, alleys, parks, boulevards, avenues, etc., so dedicated to the public, and it is hereby made the duty of the register of deeds of Ramsey county to notify in writing the plat commission of all maps or plats that may be filed for record in his office.

**588. Copy of plats for city engineer.—Sec. 6.** All plats or maps which have been accepted by the common council shall, after the same have been duly published in the official proceedings of said council, be delivered by the city clerk to the city engineer, who shall thereupon make a true copy of the same for filing in his office, and shall also retain possession of said plats or maps, and see to the same being filed for record in the office of the register of deeds of Ramsey county, provided, the owner or owners of said map or plat shall first pay to the city engineer all fees and costs incurred in filing the same for record, and in no case shall said city engineer give up possession of said plats or maps to any person, but shall, as soon as said costs and fees are received by him, at once convey said maps or plats to the office of the register of deeds, and file the same for record in said office. The city engineer shall in all cases retain possession of said plats or maps, and not deliver them to any other person other than the register of deeds, to be by him filed for record as above provided.

## CHAPTER XIX.

## Justices of the Peace and Constables.

**589. Justices of peace, election, term—Jurisdiction.**—Section 1. That on the day of the next general city election, and every two years thereafter, the qualified electors of said city shall elect two justices of the peace for said City of St. Paul, and that the justices of the peace so elected at said election, shall hold their respective offices for two years, and until their successors are elected and qualified, and shall severally give bond and qualify as is now provided by Chapter 65 of the general statutes relating to justices of the peace, and that the justices so to be elected shall supersede all other justices of the peace within said City of St. Paul, and shall severally have and possess all the jurisdiction and powers, and discharge all the duties required by said general statutes, and the several acts amendatory thereof, save and except as otherwise specifically provided in this charter.

And provided further, that said justices of the peace shall not have or exercise any criminal jurisdiction. That the fees of said justices of the peace shall not exceed in any one action or garnishment proceeding the sum of two dollars; which sum shall include the cost of the issuance of one execution.

And provided further, that the justices of the peace now in the office in said city shall on the expiration of their term in office transfer and turn over to either of the justices of the peace elected under this act, all their said dockets, records, papers and files pertaining to their said office of justice of the peace, and the said justice to whom said dockets, records, files and papers may be transferred shall have full jurisdiction to finish and complete all proceedings unfinished and pending at the time of the transfer.

**590. Constables.**—Sec. 2. That in addition to the other elective officers of the City of St. Paul, now provided for by law, there shall be elected at the next general city election two (2) constables, who shall hold their office for two (2) years, and until their successors are elected and qualified, and who shall have the power within the city, as constables at common law, and under the statute.

**591. Justice court for Sixth ward.**—Sec. 3. There is hereby established a justice court in the sixth (6th) ward in the City of Saint Paul, and county of Ramsey, in addition to the other justices of the peace of the City of St. Paul.

Sec. 4. The officer of said court shall be a justice of the peace who shall at the time of his election be an actual resident of the sixth (6th) ward in said city and shall continue to be a resident of said ward for and during his term of office, and shall hold his office exclusively in the sixth (6th) ward. Before entering upon the duties of his office he shall take the oath and give bond as is now provided by chapter sixty-five (65) of the general statutes of Minnesota, relating to justices of the peace and the acts amendatory thereof.

**592. Jurisdiction, etc.**—Sec. 5. The jurisdiction, powers and duties of said justice of the peace shall in all respects be the same as is now conferred under section one hundred and five (105), title four (4), chapter sixty-four (64), of the general statutes of one thousand eight hundred and seventy-eight (1878), the same being a special act of one thousand eight hundred and seventy-five (1875), chapter two (2), section twenty-six (26), as amended by special laws of one thousand eight hundred and seventy-six (1876), chapter two hundred and eleven (211) section ten (10), and the acts amendatory thereof, upon justices of the peace of the City of St. Paul; and in addition thereto he shall have jurisdiction, power and authority to hear, try and determine actions of forcible entry and unlawful detainer, brought under chapter eighty-four (84) of the general statutes of Minnesota, and the acts amendatory thereof, in the same manner, under the same rules of practice, and shall

receive the same fees therefor as justices of the peace of the State of Minnesota, and said justice of the peace shall be entitled to the same fees as other justices of the peace in the City of Saint Paul are entitled to for like services.

**593. Constable for Sixth ward.**—Sec. 6. In addition to the two constables now elected in the City of St. Paul there shall be elected in the sixth (6th) ward of the City of St. Paul, Minnesota, a constable who shall be a resident of said sixth (6th) ward, and who shall have the same power and authority, discharge similar duties and be entitled to receive like fees for his services as the other constables in the City of St. Paul now have and receive.

Sec. 7. On the day of the next general election in and for the City of St. Paul, and every two (2) years thereafter, there shall be elected by the qualified electors of the sixth (6th) ward in said city a constable who shall hold his office for two years and until his successor is elected and qualified, and any vacancy that may occur in said office of constable in the sixth (6th) ward shall be filled by an election by the common council of the City of St. Paul.

Sec. 8. Said constable, before entering upon the duties of his office, shall qualify by taking the oath and giving bond as now provided by law. (Sees. 6 and 7, Ch. 423, S. L. 1889.)

**594. Justice court for Tenth and Eleventh wards.**—Sec. 9. There is hereby established a justice court in the tenth (10th) and eleventh (11th) wards of the City of St. Paul, county of Ramsey and State of Minnesota, in addition to other justices of the peace of the City of St. Paul.

Sec. 10. The officer of said court shall be a justice of the peace who shall at the time of his election be an actual resident of the tenth (10th) or eleventh (11th) ward in said city, and shall continue to be a resident of either of said wards for and during his term of office. He shall hold his office exclusively in either the tenth (10th) or eleventh (11th) wards in said city, and before entering upon the duties of his office, he shall take the oath and give bond, as is now provided by chapter sixty-five (65) of the General Statutes of Minnesota relating to justices of the peace and the acts amendatory thereof.

**595. Jurisdiction, etc.**—Sec. 11. The jurisdiction, powers and duties of said justice of the peace shall in all respects be the same as is now conferred under section one hundred and five (105), title four (4), of chapter sixty-four (64) of the general statutes of one thousand eight hundred and seventy-eight (1878), the same being a special act of one thousand eight hundred and seventy-five (1875), chapter two (2), section twenty-six (26), as amended by special laws of one thousand eight hundred and seventy-six (1876), chapter two hundred and eleven (211), section ten (10), and the acts amendatory thereof upon justices of the peace of the City of St. Paul, and in addition thereto he shall have jurisdiction, power and authority to hear, try and determine actions of forcible entry and unlawful detainer brought under chapter eighty-four (84) of the General Statutes of Minnesota and the acts amendatory thereof in the same manner, under the same rules of practice, and shall receive the same fees as other justices of the peace in the City of St. Paul are entitled to for like services.

**596. Vacancies.**—Sec. 12. Any vacancy occurring in the office of justice of the peace of said tenth (10th) and eleventh (11th) wards shall be filled by the common council in the same manner provided by chapter two hundred and twenty-seven (227) of the special laws of one thousand eight hundred and eighty-seven (1887), entitled "An act to authorize and empower the common council of the City of St. Paul to fill the vacancy occurring in the office of the justice of the peace in said city." (Sees. 8, 9, 10 and 11, Ch. 369, S. L. 1889.)

Sec. 13. That whenever, for any cause, a vacancy shall occur in the office of justice of the peace in and for the City of St. Paul, county of Ramsey, the common council of said city shall have power to fill the same and elect some other person as such justice, and which said person so elected shall, upon duly qualifying in the same manner as other justices in said city, have and possess



all the powers, authority and jurisdiction of a justice of the peace in said city, and subject to all the limitations and restrictions placed upon justices of the peace in said city.

**597. Appeals.**—Sec. 14. All appeals from judgments of justices of the peace in the City of St. Paul shall be taken to the municipal court of said city, and said municipal court shall have the same powers in such cases now possessed by the district court, and all laws applicable to appeals to the district court are hereby made applicable to appeals to said municipal court.

**598 State laws to apply.**—Sec. 15. All laws of the State of Minnesota, in force at the time of the adoption of this charter, applicable to justices of the peace or constable in said City of St. Paul, shall continue in force and apply to the justices of the peace and constables provided for in this chapter.

## CHAPTER XX.

(Ch. 351, S. L. 1889.)

### Municipal Court.

**599. Court—Established jurisdiction.**—Section 1. The municipal court now existing in the City of St. Paul, in the county of Ramsey and State of Minnesota, is hereby confirmed, continued and established as a court for the transaction of all judicial business which may lawfully come before it. The said court shall be located and its sessions shall be held in said city of St. Paul, at some suitable place to be provided therefor by the common council of said city.

Said court shall be a court of record and shall have a clerk and a seal, and the jurisdiction of said court shall be co-extensive with the limits of said Ramsey county, except as hereinafter provided.

**Civil Jurisdiction.**—Said court shall have jurisdiction to hear, try and determine civil actions and proceedings as follows.

First—Of an action arising on contract for the recovery of money only, if the sum claimed does not exceed five hundred (500) dollars.

Second—Of an action for damages for injury to the person, or to real property, or for taking, detaining or injuring personal property, if the damages claimed, or, in replevin, the value of the property in controversy does not exceed five hundred (500) dollars.

Third—Of an action for a penalty given by statute not exceeding five hundred (500) dollars.

Fourth—Of an action upon a bond, conditioned for the payment of money, not exceeding five hundred (500) dollars though the penalty exceeds that sum, the judgment to be given for the sum actually due. When the payments are to be made by installments, an action may be brought for each installment as it becomes due.

Fifth—Of an action upon an official bond, or bond taken in said court, if the penalty does not exceed five hundred (500) dollars.

Sixth—To take and enter judgment on the confession of a defendant, when the amount does not exceed five hundred (500) dollars.

Seventh—To hear and determine all questions that may arise before it, brought under chapter eighty-four (84) of the general statutes of one thousand eight hundred and seventy-eight (1878), and the amendments thereto, relating to forcible entries and unlawful detainers, whether involving the title to real estate or otherwise.

Eighth—Said court shall also have all the powers and jurisdiction conferred by law upon justices of the peace in this state.

Ninth—Criminal Jurisdiction.—To hear all complaints and conduct all examinations and trials in criminal cases, arising or triable within the county

of Ramsey and cognizable before a justice of the peace, or arising under the charter, ordinances, laws, regulations or by-laws of said City of St. Paul.

A change of venue may be demanded and had in the same manner and with like effect as in the district courts of this state. Provided, that whenever any action is commenced in said court against any defendant residing in any county within the state other than Ramsey county, and such action is cognizable before a justice of the peace, said defendant may demand that such action be dismissed and thereupon such action shall be dismissed by said court with costs in the sum of ten (10) dollars.

**600. Limit of jurisdiction.**—Sec. 2. The jurisdiction of said court, however, shall not extend:

First—To any civil action involving the title to real estate, save and except an action brought under and pursuant to chapter eighty-four (84) of the general statutes of Minnesota, A. D. one thousand eight hundred and seventy-eight (1878), and the amendments to such chapter.

Second—Nor to any action for divorce, nor an action wherein the relief demanded in the complaint is equitable in its nature.

Third—Nor to an action to recover damages for false imprisonment, libel, slander, malicious prosecution, criminal conversation or seduction, or upon a promise to marry.

Fourth—Nor to an action against an executor or administrator as such.

Fifth—Nor to any civil action against the City of Saint Paul.

**601. Powers.**—Sec. 3. Said court shall have full power and authority to issue all process, civil or criminal, necessary or proper to carry into effect the jurisdiction given it by law, and its judgments and other determinations save as hereinafter provided.

And it shall have and possess all the powers usually possessed by courts of record at common law, subject to the modification of the statutes of this state applicable to courts of record. And said court is hereby vested with all powers over cases within its jurisdiction which are possessed by district courts of this state over cases within their jurisdiction; and all laws of a general nature shall apply to said municipal court so far as the same are applicable and not inconsistent with the provisions of this act. Provided that said municipal court shall not have power to issue writ of habeas corpus, quo warranto, ne exeat, mandamus, prohibition or injunction, nor issue writs of execution or any process whatsoever after the entry and docketing of any final judgment or decree, but the same shall issue out of the district court of Ramsey county after due transcript filed therein.

**602. Judges.**—Sec. 4. There shall be two (2) judges of the municipal court.

**603. Term of office.**—Sec. 5. The term of office of the judges of said court shall be four (4) years and until their respective successors shall have been duly elected and qualified.

**604. Qualification of Judge.**—Sec. 6. Each judge of said court shall be a resident of the City of St. Paul, a person learned in the law and duly admitted to practice as an attorney in the courts of this state, and before entering upon the duties of his office he shall take and subscribe an oath as prescribed by the general statutes for judicial officers, which oath shall be filed in the office of the city clerk of said city.

**605. Powers of judge.**—Sec. 7. Each judge of said municipal court shall have the general powers of judges of courts of record and may administer oaths, take and certify acknowledgments in all cases and as a conservator of the peace shall have all power and authority which is or may hereafter be vested in justices of the peace, or any other judicial officer of this state.

He shall see that the criminal laws of this state, and the ordinances, laws, regulations and by-laws of said city are observed and executed; and for that purpose one of said judges shall open the court every morning (Sunday and

legal holidays excepted) and proceed to hear and dispose of, in a summary manner, all cases which shall be brought before him by the police officers of the city or otherwise, either with or without process, for the violation of the criminal laws of this state committed within the county of Ramsey, or of the ordinances, laws, regulations and by-laws of said city.

The senior judge of this court shall be chief judicial magistrate of the city.

**606. Rules.**—Sec. 8. Said judges shall have power to make and prescribe such rules and regulations for the government of said court and the dispatch of the business coming before it, as shall by them be deemed proper, and shall not be inconsistent with the provisions of this act and the laws of the state.

**607. Senior judge.**—Sec. 9. The judge who shall have continued in office the longer at any given time shall be deemed and designated, by way of distinction, as the senior judge of said court. In case both of the judges shall have had an equal term of service, then, and in that case, the elder of said judges shall be deemed the senior judge.

**608. Clerk—Appointment, oath, bond.**—Sec. 10. There shall be a clerk of said municipal court who shall be appointed by the judges of said court, and the judges shall have the power to remove said clerk at pleasure, or he may be removed by a two-thirds (2-3) vote of the whole number of aldermen elected to the common council of the city. Such clerk, before he enters upon the duties of his office, shall take and subscribe an oath to support the constitution of the United States and of the State of Minnesota, and to faithfully and honestly discharge the duties of his office, and shall execute to the City of Saint Paul a penal bond in such sum and with such sureties as the common council shall direct and approve, conditioned that he will account to and pay over to the treasurer of said city, on each day, all fines, penalties, fees and other moneys belonging or to go to said city which may have come into his hands during said day, and that he will at all times pay over to all persons, on demand, all moneys to which they may be entitled which may have come into his hands in virtue or by reason of his office.

Such oath and bond shall be filed in the office of the city clerk of said city.

**609. Deputy clerk—Appointment, oath, bond, powers.**—Sec. 11. Such clerk shall have power to appoint, subject to the approval of the judges of said municipal court, a deputy clerk, with like powers of the clerk, but acting under the authority of said clerk, and said deputy may be removed from office in the same manner as herein prescribed for the removal of the clerk.

**610. Clerk, duties.**—Sec. 12. The clerk shall have the custody and care of all the books, papers and records of said court. He shall be present by himself or deputy at all trials, unless absent by reason of sickness or by consent of either of the judges, and in case of the absence of both clerk and his deputy, the judge may appoint some suitable person temporarily to the position. He may swear all witnesses and jurors, and administer all oaths and affidavits, and take acknowledgments, and when appointed by the court he shall, without compensation, act as referee in any civil action pending in said court. He shall keep minutes of all proceedings and enter all judgments, orders and sentences, issue commitments as well as all other writs and process, and make up and keep the records of the court under the direction of the judges, and when a judge is not present, adjourn the court from day to day. He shall tax all costs and disbursements allowed in every action subject to review by the judges, and do all other things and acts necessary or proper to the enforcing or carrying out of the jurisdiction of the court. He shall receive all fines, penalties and fees of every kind, accruing to the court or any officer thereof, including police officers, and keep full, accurate and detailed accounts of the same, and shall on each day deliver over to the city treasurer of the City of Saint Paul, all moneys so received, with detailed accounts thereof, and take

his receipt therefor. Said clerk, as well as the judges of said court, is hereby made a conservator of the peace and vested with the same authority, discretion and power to act, on receiving complaints and issuing warrants of said court in criminal cases.

"It is hereby made the duty of the clerk of the municipal court of the city of St. Paul, forthwith upon the passage of this act, to make a daily report in writing, under oath, to the city treasurer of said city, and deliver the same daily, by his own hand, to said treasurer, or to such deputy or clerk in said treasurer's office specified by said treasurer for said work, showing the name of each prisoner after the date of his first report, upon whom any fine has been imposed or penalty inflicted by said municipal court since the date of his last report, the date when said fine or penalty was imposed, the nature of the offense for which said person was convicted, the amount of money received from such person, and the final disposition of said person by said court; and also the aggregate amount of moneys received by said clerk since the date of his last report, and also of all other moneys received by said clerk in his official capacity since the date of his last report. The first report required by this act from said clerk shall contain the items of information above prescribed for the day upon which said report is made.

"It is hereby made the duty of each of the judges of said municipal court to make report to the city treasurer (all in his own handwriting, and deliver the same by his own hand) daily to such person in such treasurer's office as said treasurer may name for said purpose, a statement setting forth the name of each person against whom any fine has been imposed or penalty inflicted in said court by said judge since the date of his last report, the nature of the offense of which said person was convicted, the amount of the fine or nature of the penalty inflicted. And it is hereby made the duty of said city treasurer to forthwith procure a book and to enter, or cause to be entered, in the same, daily, a synopsis of the report made by each of said judges, specifying the judge, and also, in a different part of said book a synopsis of said daily report made by said clerk, and said book specified in this section, and the reports made as aforesaid are hereby made public records, and the same shall be open to inspection, during business hours, by any taxpayer of said city. The first report required by this act from each of said judges shall contain the items of information above prescribed for the day upon which said report is made." (Am. Ch. 40, S. L. 1891.)

**611. Books, blanks, etc., to be furnished.**—Sec. 13. Said clerk shall, under direction of the judges, and with the consent of the common council of said city (unless otherwise provided), from time to time procure and furnish all the necessary blanks, stationery and record books, for the use of the court and the officers thereof at the expense of said city.

**612. City and county attorneys—Duties of.**—Sec. 14. The city attorney of the City of St. Paul shall have charge of the prosecution of all criminal cases in said court not indictable; and the county attorney of the county of Ramsey shall act in the prosecution of offenders charged with indictable offenses, when so required by law to prosecute before justices of the peace, or otherwise.

**613. Stenographer.**—Sec. 15. The judges of said court shall employ and appoint a shorthand writer, to make in shorthand writing a true record or report of the proceedings and evidence taken upon the trial of issues of fact in said court, and of all examinations had therein; and when required by the court or either of the parties to any such trial or examination, to transcribe such record or report into words which shall be represented by the characters used by him in reporting such proceedings or examination, as the same shall occur.

**614. Stenographer, oath, duty.**—Sec. 16. Before such reporter shall enter upon the performance of his duties, he shall take and prescribe (subscribe) an oath, similar to the oaths required of the reporters in the district courts of this state, and file the same with the clerk of this court.

The evidence and proceedings in trials of issuance of fact in this court shall be reported in like manner as in the district court, and shall be filed with the clerk of this court and remain so on file for the use of all parties interested.

In the performance of his duties said reporter shall be subject to the orders and directions of the court, and the judges may at any time discharge such reporter and employ and appoint another.

**615. Transcript of record, fees for.**—Sec. 17. When the official reporter of said court shall be required by any of the parties to an action, proceeding or examination to transcribe his record into ordinary longhand or typewriting, the parties requiring such transcript shall pay to such reporter eight (8) cents per folio of one hundred (100) words for the transcript and two (2) cents per folio of one hundred (100) words for each copy thereof; provided, however, that either of the judges of said court may order and direct said reporter to furnish such transcripts whenever in the furtherance of justice they or either of them may deem same necessary, and that in no case shall any charge be made against the City of St. Paul for any transcript or transcripts so furnished. (Ch. 41, S. L. 1891.)

**616. Terms of court.**—Sec. 18. Said court shall hold regular terms for the transaction of civil business and trial of civil actions, on each Tuesday of every month; which terms shall continue from day to day with such adjournments as the court shall deem proper, until the business of such term shall be finished. Provided, that any judge of said court may set cases for hearing and trial upon any day in that or any subsequent term. The terms of said court shall open at ten (10) o'clock in the forenoon. And, provided, further, that all proceedings in civil causes shall be conducted in a room separate and apart from the room wherein criminal proceedings shall be conducted.

**617. Term calendar.**—Sec. 19. The clerk of the court shall, prior to each term of the court, make up a calendar of the causes which will come up for trial or for any other disposition before the court at such term, adopting such arrangements as the judges may direct.

**618. Actions, how commenced and conducted.**—Sec. 20. All civil actions and proceedings in said court shall be commenced and conducted as prescribed by the statutes regulating the commencement, pleading, practice and procedure, in the district courts of this state, as far as the same may be applicable, except, however, as in this act otherwise provided.

**619. Times to serve, pleadings, etc.**—Sec. 21. The time within which any act is to be done in this court shall be one-half ( $\frac{1}{2}$ ) of the statutory period prescribed in the district court proceedings, provided.

First—That no such period shall be less than three (3) days:

Second—That two (2) days' notice of taxation of costs shall be given.

Third—Notes of issue shall be filed at least three (3) days before the term, and notices of trial shall be served at least four (4) days before the term.

Fourth—The time within which motions for new trials and appeals may be made or taken shall be the same as in the district court.

Fifth—The practice and proceedings in actions under chapter eighty-four (84) of the general statutes of one thousand eight hundred and seventy-eight (1878) shall be the same as in justice's court, except that the summons shall be issued by the clerk and be made returnable on the first (1st) day of a regular term of said court.

Sixth—The notice required for the taking of depositions to be used in said court shall be the same as in the district courts of this state.

Seventh—Defaults may be opened and judgments and orders set aside or modified for good cause shown, within sixty (60) days after the party affected thereby shall have notice or knowledge of the same.

**620. Counter claims in excess of jurisdiction—Equitable defenses.**—Sec. 22. Whenever a counter-claim in excess of five hundred (500) dollars or where

any equitable defense or ground for equitable relief is interposed; or whether it appears that the title to real estate is involved save as is provided in section one (1), subdivision seven (7) of this act, said court shall immediately cause an entry of the fact to be made of record and cease all further proceedings in the case, and within twenty (20) days thereafter certify and return to the district court of said county of Ramsey a transcript of all entries made in the record relating to the case, together with all process and other papers relating to the suit; and thereupon said district court shall proceed in the cause to the final judgment and execution according to law, the same as if the said suit had been originally commenced in the district court, and the costs shall abide the event of the suit.

**621. Attachment, replevin, garnishment.**—Sec. 23. Proceedings by attachment, replevin or garnishment in said court, shall be conducted as in the district courts of this state; provided, that the bonds required in such proceedings shall be executed with sufficient sureties and be in double the amount claimed in attachment, and not less than the sum of two hundred and fifty (250) dollars, or in double the value of the property claimed in replevin, and all bonds required or allowed in such proceedings shall be approved by one (1) of the judges of said court.

And provided further, that in garnishment proceedings the affidavit required shall be the same as justice's courts, and no judgment shall be rendered against a garnishee where the judgment against the defendant is less than ten (10) dollars exclusive of costs, nor where the indebtedness of the garnishee to the defendant or the value of the property, money or effects of the defendant, in the hands or under the control of the garnishee, as proved, is less than ten (10) dollars.

**622. Depositions.**—Sec. 24. Depositions may be taken and used in said court in like manner as in the district court.

**623. Tenders.**—Sec. 25. Tenders of money may be pleaded and made in said court in like manner and with like effect as in the district court.

**624. Stay of execution.**—Sec. 26. Executions may be stayed in this court in like manner as in the district courts.

**625. Confession of judgment.**—Sec. 27. Judgment may be confessed, and filed and entered in said court in like manner as in the district court.

**626. Appeals from justice courts.**—Sec. 28. All appeals from judgments of justices of the peace in the City of St. Paul shall be taken to this court, and this court, shall have the same powers in such cases now possessed by the district courts of this state; and all laws applicable to appeal to the district court are made applicable to this court.

Provided, however, that the appellant shall cause such appeal to be entered in this court and placed upon the calendar for trial at a term occurring not more than twenty (20) days from the time of the allowance of such appeal.

And, provided further, that the appellant shall cause to be served upon the respondent or his attorney, a notice of trial, at least three days before the term at which said appeal is to be heard.

And, provided further, that if the appellant fails or neglects to enter the appeal as aforesaid, the respondent may enter the same at the next or any succeeding term of said court, and have the judgment of the court below affirmed, with interest and costs.

**627. Second trial, under Chap. 84. General Statutes, 1878.**—Sec. 29. Whenever the title to the real estate for the possession of which the action is brought under chapter eighty-four (84) of the general statutes of eighteen hundred and seventy-eight (1878), is involved and determined in this court, the persons aggrieved thereby may, after written notice of the judgment entered in such action, apply to the court, and have said cause transferred to the

district court for the county of Ramsey, upon complying with the following requisites:

First—He shall deposit with the clerk of the court, for the use of the person entitled thereto, the amount of costs and disbursements included in said judgment.

Second—Within twenty-four (24) hours after notice of such judgment he shall serve upon the adverse party a notice in writing of at least three (3) days, stating that he will apply to the court at the next regular term thereof, occurring not less than four days after such judgment is entered, naming such term, for an order of said court certifying said cause to the district court of the county of Ramsey for a second (2nd) trial, and that he will then apply to the court to fix the amount of the bond hereinafter provided for, and that he will then propose the name of (insert names) as sureties in such bond.

Third—The amount of the bond having been fixed by the court and the proposed sureties approved, such bond, conditioned that the party aggrieved will pay the costs of such second trial and abide any order the court may make therein, and pay all rents, issues, profits and damages justly accruing to the adverse party during the pendency of the action, shall be filed with the clerk of this court within five (5) days thereafter, but the provisions of this section shall not apply to actions that are now pending in said court.

**628. Court to make order.**—Sec. 30. Upon filing of such bond the court shall make an order directing that the cause be certified to the district court for the second (2nd) trial therein.

**629. Cause to be certified.**—Sec. 31. The clerk of this court shall, within ten (10) days after the filing of such order, certify the cause and all papers of record therein, to the district court, and thereafter all proceedings in said action shall be had and conducted in said district court.

**630. Judgment, stay.**—Sec. 32. Upon filing the notice provided for in section thirty-one (31), subdivision two (2), together with proof of service upon the adverse party, all proceedings in the action shall be stayed in this court until the further order of the court.

**631. Process.**—Sec. 33. All process shall be tested in the name of the senior judge, and issued under the seal of the court, and signed by the clerk, and directed for service to the sheriff of the county of Ramsey, except as herein otherwise provided.

The forms of process may be prescribed by the court by rule or otherwise, and any form so prescribed shall be valid and sufficient, and such forms may be changed by the court at any time. In the absence of such prescribed forms, the forms of the process in use in the district court of this state may be changed and adapted to the style of the court, and used at the discretion of the court.

**632. Summons and subpoenas, how served.**—Sec. 34. The summons and subpoenas may be served by any constable in the City of St. Paul, or by the sheriff of the county of Ramsey, or by any other person not a party to the action, and the service shall be made and the summons returned and filed with the clerk of the court with all reasonable diligence.

**633. Criminal proceedings, how conducted.**—Sec. 35. Complaints in criminal cases, where the defendant is not in custody, may be made to the court while in session, or to one of the judges or clerk when not in session, and shall be made in writing, or be reduced to writing by the judge or clerk, and sworn to by the complainant, whether the offense charged be a violation of the criminal laws of the state, or of the ordinances, regulations, laws or by-laws of said city. Complaints, warrants and other process in criminal cases may follow substantially the forms heretofore in use by justices of the peace, with such alterations as may be convenient to adapt the same to the style of this court, or may be in such other form as the court may prescribe, sanction or approve.

In cases where alleged offenders shall be in custody, and be brought before the court or clerk without process, the clerk shall enter upon the records of the court a brief statement of the offense with which the offender is charged, which statement shall stand in place of complaint, unless the court shall direct a formal complaint to be made. The plea of the defendant shall be "guilty" or "not guilty." In case of a failure to plead, the clerk shall enter a plea of "not guilty," and a former acquittal or conviction for the same offense may be proved under the plea of "not guilty" with like effect as if formally pleaded. In the examination of offenders charged with indictable offenses, such minutes of the examination shall be kept as the court may direct, and be properly returned to the court before which the party charged with the offense may be bound to appear.

**634. Costs.**—Sec. 36. Costs are allowed to the prevailing party, in actions commenced in said court as follows:

First—To the plaintiff upon a judgment in his favor of fifty (50) dollars or more, in any action for the recovery of the money only, when no issue of law or fact is joined, five (5) dollars. When an issue is joined, ten (10) dollars.

Second—In all other actions, five (5) dollars.

Third—To the defendant upon discontinuance or dismissal when the amount claimed in the plaintiff's complaint is fifty (50) dollars or more, five (5) dollars.

Fourth—When judgment is rendered in his favor on the merits, five (5) dollars, and when the amount claimed in the plaintiff's complaint is fifty (50) dollars or more, ten (10) dollars.

Fifth—Costs may be allowed on a motion or demurrer, in the discretion of the judge, not exceeding ten (10) dollars, and may be made absolute, or directed to abide the event of the action.

Sixth—Save as hereinbefore provided, costs shall be allowed in all cases to the prevailing party, as in the district court of this state.

**635. Disbursements.**—Sec. 37. Disbursements necessarily paid or incurred shall in all cases be allowed to the prevailing party.

**636. Taxation of costs.**—Sec. 38. Costs and disbursements shall be taxed and allowed by the clerk of said court as in the district courts of this state.

**637. Clerk's and officer's fees.**—Sec. 39. In all proceedings had in said court like fees shall be charged and collected by the clerk as costs are allowed by law to the clerk of the district court of the county of Ramsey for like services.

Provided, that the plaintiff, upon the filing of his complaint in said court, and the appellant or party procuring the transfer of any action from a justice's court, upon filing the return on appeal or other paper, shall pay to the clerk the sum of one (1) dollar and fifty (50) cents for the use of the City of St. Paul, which sum shall be in full of all costs and fees of said court and clerk, up to and including the entry of judgment and certifying transcript of judgment to the district court, and no rebate shall be allowed to any such person making such payment.

**638. Trial by jury.**—Sec. 40. Trial by jury in said courts shall in all respects be conducted as in the district court of this state, and all laws of a general nature applicable to jury trials in said district court shall apply to said municipal court.

**639. Jury, method of drawing.**—Sec. 41. The two (2) judges of said court and the president of the common council of the City of Saint Paul shall, on the last Saturday of each and every month, meet at the municipal court room in said City of St. Paul, and, from the electors of said city, select and designate forty-eight (48) of said electors as the jurors of said court to serve therein when required and drawn, during the succeeding month, and until



their successors are selected. The clerk shall, thereupon, write the names of the jurors so elected upon separate slips of paper and place the same in a wheel or box, and whenever a jury is required in said court he shall, thereupon, by lot, draw for a jury of six (6) men, twelve (12) jurors; and for a jury of twelve (12) men twenty-four (24) jurors.

The jurors so drawn shall be summoned to attend the trial of the case wherein they are drawn. The first six (6) of twelve (12) jurors drawn shall constitute the jury, unless some of said jurors are excused or challenged, in which case the clerk shall call so many of the remaining jurors as shall be required to fill the places of the jurors excused. And in the event that a jury cannot, for any cause, be filled and sworn from the jurors so summoned, then the clerk shall draw other names from said box or wheel, and summon the same, until the jury is full.

Provided, however, that each party to a civil or criminal action shall be entitled to three (3) peremptory challenges and no more.

**640. Fees of jurors.**—Sec. 42. Jurors so summoned and attending as aforesaid, in said court, and duly sworn as such for the trial of any action, shall be entitled to like compensation as jurors in district court; but the party demanding a jury in any civil action shall be required to advance the fees for such jury before the venire shall issue.

**641. Appeals to the Supreme Court.**—Sec. 43. Any cause including actions under chapter eighty-four (84) of the general statutes of one thousand eight hundred and seventy-eight (1878), may be removed from said court to the supreme court of the state, in like manner, and upon like proceedings, and with like effect, as from the district court, except in cases where appeals are prohibited by the charter of the City of St. Paul.

**642. Transcript, lien.**—Sec. 44. No judgment rendered in said court shall attach as a lien upon real estate, until a transcript thereof shall be filed in the district court, as hereinafter provided.

Every person in whose favor a judgment is rendered, in said municipal court, may demand and receive from such clerk a transcript of such judgment duly certified, and file the same in the office of the clerk of the district court of the County of Ramsey, who shall file and docket the same as in the case of transcripts of judgment from courts of justices of the peace.

And every such judgment shall become a lien upon the real estate of the debtor, from the time of filing such transcript, to the same extent as a judgment of said district court, and shall thereafter, so far as relates to the enforcement of the same, be exclusively under the control of said district court, and carried into execution by its process the same as if rendered in said district court.

**643. Duty of sheriff.**—Sec. 45. It shall be the duty of the sheriff of the County of Ramsey, in the State of Minnesota, to serve all civil process and other papers in civil actions issued by said court, and to summon all persons required therein, except as herein otherwise provided.

**644. Police officers—Process in criminal actions.**—Sec. 46. The police officers of said City of St. Paul are hereby vested with all the powers of constables, under the statutes of this state, as well as at common law, so far as proceedings in criminal actions of said court are concerned. It shall be the duty of the police officers of said city to serve all process or other papers issued by said court in the course of criminal proceedings. All such process shall be delivered to the chief of police, and it shall be his duty to see that all such process is faithfully served and duly executed.

**645. Police officers and bailiff.**—Sec. 47. It shall be the duty of the mayor of said city to see that a sufficient number of said police officers are always in attendance upon said court, and in readiness to obey its mandates and preserve order in its proceedings. And said mayor shall have the power, in his discretion, to appoint not exceeding three persons, approved by the

judges of said municipal court, as policemen for special attendance and duty in said court, irrespective of the general or special rules, or legal regulations or enactments, relative to the qualifications of policemen; but such persons shall receive the same, but no greater compensation, unless the council directs a greater compensation, than ordinary police; and all policemen attending said court may be required to give bonds to said city in such sum as the council shall direct for the faithful performance of their duties; such bonds to be for the use of all persons interested. Provided, however, that nothing herein contained shall affect the powers and duties of the general police in said court.

**646. Fees of police.**—Sec. 48. Police officers shall hereafter receive for their services no other compensation than the salary paid them by the city, except as otherwise provided by the charter of the City of Saint Paul; and if any fee shall be paid to any police officer, or bailiff, for any service in connection with this court he shall forthwith pay the same over to the clerk of the court for the use of said city, and a failure to do so shall be a misdemeanor, punishable by a fine not exceeding one hundred (100) dollars, or by imprisonment not exceeding thirty (30) days, and said clerk shall pay the same to the city treasurer in the same manner as provided by section fourteen (14) of this act.

**647. Deputy clerk to act as bailiff.**—Sec. 49. The deputy clerk may, when required by said court, perform the duties imposed by this act upon its special policemen, and shall have the same authority and powers as are conferred by law upon police officers of the City of St. Paul.

Provided, that he shall receive no other compensation for such services than his compensation as deputy clerk.

**648. Justices of the peace.**—Sec. 50. No provision in this act contained shall be construed as repealing or in any wise limiting the effect of section ten (10) of chapter two hundred and eleven (211) of the special laws of Minnesota enacted in the year one thousand eight hundred and seventy-six (1876), as amended by chapter ninety-two (92) of the special laws of the year one thousand eight hundred and seventy-nine (1879), relating to justices of the peace.

**649. Court confirmed.**—Sec. 51. All civil and criminal actions pending and undetermined in the municipal court of said City of Saint Paul after the passage of this act, and all other proceedings in progress at said date in said court shall proceed, without interruption, in the court designated and established in this act; and the court herein designated shall have the custody and control of all the records of the present municipal court to the same extent as though the said actions and proceedings had been instituted and the said orders, judgments and determinations had been made and entered by the court herein designated and established. The enactment of this statute shall save and confirm all rights gained and privileges acquired under and by virtue of the legislation by which the present municipal court of the City of St. Paul was created, and under and by virtue of any acts of the legislature amendatory of such legislation.

**650. Salaries.**—Sec. 52. The salary of each of the two judges of the municipal court of the City of Saint Paul, shall be four thousand (4,000) dollars per annum, and be paid out of said city treasury in equal monthly installments. The salary of the clerk of the municipal court shall be two thousand five hundred (2,500) dollars per annum, and the salary of the deputy clerk of said court shall be twelve hundred (1,200) dollars per annum. The salary of the clerk and the deputy clerk of said court shall be paid out of said city treasury in equal monthly installments. The salary of the official stenographic reporter of said court shall be one thousand two hundred (1,200) dollars per annum, payable as aforesaid in equal monthly installments.

**651. Judges may act, how.**—Sec. 53. Both of said two judges of the municipal court may hold sessions and act as such court, and shall be fully possessed of all the powers and authority of such court. The two judges may act jointly at any time or upon any occasion deemed by them proper.

**652. Stays of execution.**—Sec. 54. In all cases of a prosecution in the municipal court of the City of St. Paul for a breach or violation of an ordinance, by-law or regulation of said city, or its charter, or for an assault and battery, or breach of the peace, or affray, or other offense not indictable, committed within the limits of said city, in case of conviction therefor no stay of proceedings for the purpose of an appeal or otherwise shall be granted either by said municipal court, or the supreme court or any other court of the State of Minnesota unless the fine and costs imposed upon such conviction are first paid; Provided, however, that when any fine is paid under such conviction and the judgment is reversed, the fine so paid shall be refunded by the City of St. Paul. (Sec. 5, Ch. 48, S. L. 1887.)

**653. State laws.**—Sec. 55. All laws of the State of Minnesota, in force at the time of the adoption of this charter and applicable to the present municipal court in the City of St. Paul, or any of its officers, shall continue in force and apply to the municipal court and its officers provided for in this chapter.

## CHAPTER XXI.

## Work House.

**654. Work house established.**—Section 1. The common council of the City of St. Paul is hereby authorized and empowered to establish, erect and maintain a work house for the confinement and punishment of prisoners, sentenced thereto by the municipal court of the City of St. Paul, or the district court of the second judicial district of Ramsey county. (S. L. 1881, Ch. 190, Sec. 1.)

And the public workhouse heretofore established and now maintained by said city is hereby continued subject to all the provisions of this chapter and until the further action of said common council.

**655. Board of Directors.**—Sec. 2. The direction, management and control of such workhouse, and the maintenance and care of the convicts therein, shall be vested in a board of five directors, who shall be styled the "Board of Public Work House Directors," and said directors shall serve without compensation. (Ib. Sec. 2.)

**656. Appointment of directors, term, vacancies.**—Sec. 3. Said directors shall be appointed by the mayor, and shall hold their office for five years, except at the first appointment, one shall be appointed to serve for one year, one for two years, one for three years, one for four years, and one for five years, and thereafter one shall be appointed annually. (Ib. Sec. 3.)

The present members of the Board of St. Paul Work House Directors shall hold office during the term for which they were respectively appointed, and thereafter one member of the Board of Public Work House Directors hereby established shall be appointed annually. In case the office of any member should become vacant during his term, the mayor shall in like manner, as soon thereafter as practicable, appoint a person of like qualification aforesaid, to fill said vacancy during said unexpired term and until a successor shall be appointed and qualified.

**657. Powers of board of directors.**—Sec. 4. The said board of directors shall have the power to take charge of all buildings erected for a work house, work shop and real estate connected therewith, providing the buildings and shops with the necessary machinery and tools, with power to adopt rules for the regulation and discipline of said work house, to make all such by-laws and rules in relation to the management and government thereof as they shall deem expedient, and enforce the same by such punishment as in their judgment, shall best promote the interests of the work house and said prisoners therein confined, and to appoint a superintendent and such other officers as may be necessary, regulating their salary and prescribing their duties generally. All rules, regulations or other orders of said board shall be recorded in a book to be kept out for that purpose, and shall at all times be subject to the examination of the mayor or any member of the assembly, board or aldermen or committees of the assembly or board of aldermen, comptroller, corporation attorney or treasurer.

**658. Sentences to work house.**—Sec. 5. It shall be the duty of any court, judge or justice of the peace in the County of Ramsey, in the sentence of any person convicted of an offense, punishable by imprisonment in the common jail of Ramsey county, to sentence such person to be confined in the said workhouse, there to be received, kept and employed, according to law, under the rules and regulations of said workhouse; and it shall be the duty of all officers having the execution of the final process of any court or justice of the peace sentencing convicted persons to said workhouse, to cause such criminals to be conveyed forthwith to said work house. (Ib. Sec. 6.)

**659. Escapes or attempted escapes.**—Sec. 6. Any person lawfully committed to said work house, who shall escape therefrom, or break the same with intent to escape therefrom, or who shall attempt by force or violence, or in any other way, to escape from said work house, whether such escape be effected or not, shall, upon conviction thereof before the municipal court of said city, be punished by confinement in said work house, for a term not exceeding double the term for which such person was so sentenced, to commence from and after the expiration of his or her former sentence. (Ib. Sec. 7.)

**660. Reports, records, financial affairs.**—Sec. 7. The said board of directors shall elect one of their own number president, some suitable person as secretary; the treasurer of the City of St. Paul is hereby declared to be ex-officio, the comptroller of said board. It is made the duty of the secretary, under the direction of said board, to keep a set of books, which will exhibit clearly the state of the prisoners, the number received and discharged, the number employed in each branch of industry carried on, and the receipts and expenditures for and on account of each department of business, or for the improvement of the premises. A semi-annual statement shall be made out and transmitted to the common council of said city, which shall specify minutely all receipts and expenses, from whom received and to whom paid, and for what purpose. It is made the duty of the treasurer of said board to receive all moneys which may be paid into the treasury, on account of said work house, from the sale of bonds, the collection of taxes, the earnings of the prisoners, or from any source whatever, credit said board therewith, and shall keep a detailed and exact account thereof, in such manner as to show at all times the exact financial condition of said board; and the city comptroller shall keep regular books of accounts in which all moneys received or paid out, for or on account of said board shall be entered. He shall countersign all warrants or orders drawn upon the treasurer of said board by the president and superintendent thereof, and other evidences of the indebtedness of the said board, and shall keep an exact account thereof, stating to whom and for what purposes issued, and shall keep an account with the treasurer of said board, showing the amount received from all the different sources of revenue, and the amount disbursed under the direction of said board. All contracts over \$200 shall be in duplicate and countersigned by said comptroller, one of which shall be filed in the office of said comptroller, the other with the secretary of said board. (Ib. Sec. 8.)

**661. Superintendent.**—Sec. 8. The superintendent of said work house shall have entire control and management of all its concerns, subject to the authority established by law, and the rules and regulations adopted for its government. It shall be his duty to obey and carry out all orders and instructions of the directors, not inconsistent with the laws, rules and regulations relating to the government of said institution. He shall be responsible for the manner in which said work is managed and conducted. He shall reside at said work house, devote his time and attention to the business thereof, and visit and examine into the condition and management of every department thereof, and of each prisoner therein confined, daily, or as often as good order or necessity may require. (Ib. Sec. 9.)

**662. Agreements with county boards.**—Sec. 9. The county commissioners of any organized county of the State of Minnesota shall have full power and authority to enter into an agreement with the common council of the City of St. Paul, or with any authorized agent or officer in behalf of said city, to receive and keep in the St. Paul work house any person or persons over sixteen years of age, who may be sentenced to confinement by any court or justice of the peace in any of said counties, for any term not less than sixty days. Whenever such agreement shall have been made, it shall be the duty of the county commissioner for any county in behalf of which such agreement shall have been made, to give public notice thereof in some newspaper published within said county, if there be one, and in case no news-

paper is published in said county, then such notice shall be published in some newspaper published in the City of St. Paul for a period of four weeks, and such notice shall state the period of time for which such agreement shall remain in force. (S. L. 1883, Ch. 76, Sec. 19.)

**663. Effect of such agreement.**—Sec. 10. In every county having such agreement with the said City of St. Paul, it shall be the duty of every court, police justice, justice of the peace or other magistrate, by whom any person over sixteen years of age, for any crime or misdemeanor not punishable by imprisonment in the state prison, may be sentenced for any term not less than sixty days, to sentence such person, if over sixteen years of age to the work house in the City of St. Paul, there to be received, kept and employed in the manner prescribed by law, and the rules and discipline of the said work house; and it shall be the duty of any such court, police justice, justice of the peace or other magistrate, by a warrant of commitment duly issued by the court, justice or magistrate declaring such sentence, to cause such person so sentenced, to be forthwith conveyed by some proper officer, to said work house. (Ib. Sec. 20.)

**664. Duty of sheriff, constable, etc.**—Sec. 11. It shall be the duty of the sheriff, constable or other officer in and for any county having such agreement with said City of St. Paul to whom any warrant or commitment for that purpose may be directed, by any court or magistrate in such county, to convey such person, so sentenced to the said work house in the City of St. Paul, and there deliver such person to the keeper or other proper officer of said work house, whose duty it shall be to receive such person so sentenced, and to safely keep and employ such person for the term mentioned in the warrant or commitment, according to the laws of said work house; and the officer thus conveying and so delivering the person or persons so sentenced, shall be allowed such fees or compensation therefor as shall be prescribed or allowed by the board of commissioners for the county in which such prisoners shall have been convicted. (Ib. Sec. 21.)

**665. Compensation for care of prisoners.**—Sec. 12. That for the board, confinement and maintenance of all prisoners received in the St. Paul work house from any county, with which the City of St. Paul has a contract to receive such prisoners, and from the County of Ramsey, such compensation may be charged and received by the directors of said work house, from the counties in which said prisoners were convicted as may be agreed; but in no event shall the price or sum charged for the board or maintenance of any prisoner exceed \$1.50 per week. (Ib. Sec. 22.)

**666. Agreements with other states.**—Sec. 13.—The board of directors of said work house are authorized and empowered on behalf of the City of St. Paul to contract with other states and territories, to receive and keep prisoners sentenced to confinement not less than sixty days, upon such terms as may be agreed upon. (Ib. Sec. 23.)

**667. Compensation of sheriff for board of prisoners.**—Sec. 14. That after the adoption of this charter no greater or other sum than \$1.50 per week shall be paid by the City of St. Paul to the sheriff of Ramsey county for the board of any prisoner sentenced by or held under any process or warrant issued out of the municipal court of said City of St. Paul, which sum shall be in full for all charges and expenses for the commitment as well as the board of such prisoners. (Ib. Sec. 24.)

**668. Duties of superintendent.**—Sec. 15. It shall be the duty of the superintendent of the St. Paul work house to provide and keep a book in which shall be entered a record of all infractions of the published rules and discipline of the said work house, with the name of the convict offending, and the date and character of each offense, which record shall be submitted to the directors of said work house at each regular meeting of the said directors; and every convict who shall have been sentenced for a term of one (1) or

more years, who shall, at the end of the first (1st) month of his imprisonment, have no infraction of the discipline of the prison recorded against him, shall, for the first (1st) month be entitled to a diminution of two (2) days from the term of his sentence; and if at the end of the second month, no infraction of the rules is recorded against him, four (4) additional days of diminution from the sentence; and if he shall continue to have no such record against him for the third (3rd) month, his time of sentence shall be shortened six (6) additional days; and if he shall so continue for the subsequent months, he shall be entitled to six (6) days' diminution of time from his sentence for each month he shall so continue his good behavior; and if any convict shall so pass the whole term of his service, or the remainder of his sentence after the adoption of this charter (providing he shall have the term of one (1) year yet to serve), he shall be entitled to a certificate thereof from the superintendent, and upon the presentation thereof to the directors he shall be entitled to a restoration of his rights of citizenship, which may have been forfeited by his conviction; and it shall be the duty of the superintendent to discharge such convict from the work house when he shall have served out the time of his sentence, less the number of days he may have been entitled to have deducted therefrom, in the same manner as if no deduction had been made; provided, that if such convict shall be guilty of a violation of any of the printed and published rules of the work house, after he shall, as provided in this chapter, have become entitled to a diminution of his time of service to which he has been sentenced, the directors shall have the power to deprive at their discretion such convict of a portion or all (according to the flagrance of the violation of discipline), of the diminution of the term of sentence to which he had been previously entitled by this chapter.

"It is hereby made the duty of the superintendent of the work house of the City of St. Paul, forthwith upon the adoption of this charter, to report in writing to the city treasurer of St. Paul the name of each prisoner in his charge, the nature of the offense for which he was committed, the date when he was committed, and the penalty imposed by the court at the time said prisoner was committed; and thereafter it shall be the duty of said superintendent to report to said treasurer in writing each day (and deliver the same by his own hand or by mail) the name of each prisoner committed to his charge since the date of his last report, the date when he was committed, the nature of the offense for which he was committed, and the penalty imposed by the court at the time such commitment was directed, and also the name of each prisoner discharged since the date of his last report, and the reason of his discharge, and by whose authority he was discharged; and it is hereby made the duty of said treasurer to procure a book and enter in said book from day to day said reports as received, showing the status of each prisoner named in said reports by showing his name, date of commitment, nature of offense for which he was committed, and the penalty imposed by the court when he was ordered committed, and the date of his discharge, and by whose order or for what reason he was discharged."

Said book and said daily reports are hereby made a part of the records of said treasurer's office, and are open to inspection during all business hours to any taxpayer of said city. (Sec. 7, Ch. 48, S. L. 1887, and Sec. 9, Ch. 6, S. L. 1891.)

## CHAPTER XXII.

**Alms House and City Hospital.**

The provisions of law relating to the Alms House and Hospital as they now exist are continued in force, such provisions, after eliminating therefrom such parts as have been fully executed, are as follows:

**669. City and county to share cost.**—Section 1. The County of Ramsey and corporation of the City of St. Paul shall bear and pay all cost and expense of maintaining said alms house and hospital, and the incidental expenses of keeping and supporting the persons, patients or inmates thereof, in the following proportion, to-wit: The County of Ramsey shall pay two-thirds thereof and the City of St. Paul one-third thereof, out of their respective treasuries.

**670. County board of control—Appointment, term, compensation.**—Sec. 2. That the judges of the district court of the second judicial district, County of Ramsey, State of Minnesota, or a majority of them, are hereby authorized and empowered as hereinafter provided, to appoint three directors, citizens and freeholders of said County of Ramsey, who shall constitute the board of control of said county. No members of the assembly, board of aldermen, or of the board of county commissioners, shall hereafter be elected a member or clerk of said board of control. The term of office of the members of said board of control, as constituted by the act, shall remain as now provided by law, and on the first day of July next succeeding the adoption of this charter the said district judges, as aforesaid, shall appoint one member of said board for the term of three years, and annually thereafter one member of said board for a like period of time. Each member of said board of control shall receive as compensation three dollars per day for the time actually employed in his official duties, provided, that such compensation in any one year shall not exceed the sum of four hundred fifty (450) dollars each. Such board of control shall have power to appoint a clerk whose compensation shall be twelve hundred (1200) dollars per annum.

**671. Examinations of books and affairs.**—Sec. 3. And it is hereby required that the auditor of Ramsey county and the comptroller of the City of St. Paul shall examine the books and affairs of the said board of directors, and make a full report thereon to the board of county commissioners of Ramsey county, and the common council of the City of St. Paul, respectively, at least once each year.

**672. Powers and duties of board of control.**—Sec. 4. It shall be the duty of said board of directors to do and perform all the duties now enjoined upon the overseers of the poor by the general statutes of the state. Said directors shall have the further power to make all needful rules and regulations respecting the discipline, order, conduct and supervision of said alms house and hospital, as they may deem expedient, and shall report quarterly to the city council and the board of county commissioners a full statement, in writing, of all their said regulations, acts, doings, contracts and accounts, and in all things said directors shall act jointly as a board by a majority thereof and not otherwise, and they shall keep a complete record of all their official acts, and all the powers heretofore devolved upon one county commissioner by the general statutes of the state are hereby transferred to said board of directors as a body, and said board of directors shall have the further power to appoint an alms house and hospital physician, which said physician shall possess all the powers and perform all the duties of county and city physician.

**673. Title to poor farm.**—Sec. 5. That the County of Ramsey is hereby duly authorized and empowered to convey by deed to the corporation of the



City of St. Paul, and said City of St. Paul is hereby authorized to hold in fee one undivided third of the 40 acres of the county poor farm, to include that portion upon which some buildings are now situated in consideration of the advances provided to be made by said city.

**674. Powers of county board.**—Sec. 6. The board of commissioners of Ramsey county shall have power to order said directors to make reports and settlements of their accounts, acts and doings, at any time, and more frequently than quarterly, if said county board shall at any time deem it expedient, an abstract of which settlement shall immediately thereafter be forwarded to and filed with the city comptroller.

Sec. 7. The board of commissioners of the County of Ramsey shall have power to make all necessary rules and regulations to carry into effect this act, according to his intent and object.

**675. Title to lands, buildings and improvements.**—Sec. 8. The title to an undivided one-third of all lands, buildings and improvements thereon erected, together with such other property as may be purchased or acquired under this act, shall be vested and held to and in the City of St. Paul, the other two-thirds in the County of Ramsey.

**676. Management of alms house and hospital.**—Sec. 9. The management of the affairs of the said alms house and hospital shall be under the control of the said directors, and the said alms house and hospital shall be subject to all the regulations and provisions of law.

**677. Relief to non-residents, rates for.**—Sec. 10. The said directors shall have the power to fix rates, amounts or charges, to be paid by any other county of this state, for relief furnished under the laws of this state for the relief of the poor, to any sick and infirm person having a legal settlement in such other county, where such relief is furnished in the said hospital, and in such cases the charges of said hospital for such relief shall constitute a valid claim in favor of said County of Ramsey against the county in which such person has a legal settlement, and shall be allowed and paid by the board of county commissioners thereof.

**678. Hospital patients.**—Sec. 11. Said directors may admit in said hospital a limited number of persons requiring medical or surgical attention, upon such terms and regulations, and for such compensation as they may prescribe. All receipts of said hospital over and above expenses, shall be paid into the treasury of said County of Ramsey, and said county shall be accountable to the City of St. Paul for one-third thereof.

**679. City and county physician.**—Sec. 12. The duties of the city and county physician of the City of St. Paul and Ramsey county shall be as follows: He shall be physician and surgeon in charge and Superintendent of the city and county hospital, and foundlings' home; he shall perform when called upon, all medical and surgical work at the city and county jails, alms house and smallpox hospital, and shall examine all applicants for positions in the police department and be obliged to examine and certify as to the disability of any member of said department, when application is made by any member, for leave of absence on the ground, and shall perform when called upon, all medical and surgical services which the city shall be bound to furnish according to any law, ordinance or custom, to any member of the fire or police department or other branch of the city government, or to any person whatsoever, and to all poor and indigent persons in said city or county requiring surgical or medical assistance unable to pay for the same, and shall perform when notified, any and all other medical and surgical services which either said city or county shall be under legal obligation to perform, or cause to be performed.

Sec. 13. Said physician now in the office shall continue therein during the term for which he was elected and until his successor is duly appointed and qualified, and the incumbents of said office hereafter appointed, shall hold

office for the term of four years and until their successors are appointed and qualified.

**680. Salaries of physician and assistants.**—Sec. 14. The salary of said city and county physician shall be thirty-five hundred dollars (\$3500) per annum, to be paid in equal monthly installments. Provided, further, that in case it may be necessary in the discharge of the duties hereinbefore prescribed, the said city and county physician may employ one (1) or more assistants at an expense not to exceed the sum of two thousand dollars (\$2000) per annum, to be paid to them by the officers whose duty it now is to make payment of the salary of said physician, upon proper vouchers executed by them therefor, it being the true intent and spirit of this act that neither said city nor county shall be liable for any medical or surgical services performed, beyond the payment of said salaries to said city and county physician and assistants, and provided, further, that in case more than one (1) assistant is appointed under this act, at least one (1) of them shall hold his office as such for a period not longer than one (1) year.

**681. Health officer of city.**—Sec. 15. Nothing in this act shall be construed to interfere with the rights, duties or compensation pertaining to the health officer of the City of St. Paul.

## CHAPTER XXIII.

### Miscellaneous and Supplementary.

**682. Actions on behalf of city.**—Section 1. All actions brought to recover any penalty, or forfeiture under this charter, or the ordinances, by-laws, or police, or health regulations made in pursuance thereof, shall be brought in the corporate name of the city.

**683. Fines, imprisonment, etc.**—Sec. 2. In all cases of the imposition of any fine or penalty, or of the rendering of any judgment by the judge of the municipal court, pursuant to any ordinance or by-law of the said City of St. Paul, or pursuant to any provision of the charter of said city, as a punishment for any offense, or for the violation of any by-law or ordinance as aforesaid, the offender shall be forthwith committed to the "work house of said city" and be there imprisoned for a term not exceeding three (3) months, in the discretion of the judge of the municipal court, unless the fine or penalty aforesaid be sooner paid or satisfied, and in all cases where the punishment of such offender shall be by imprisonment, such imprisonment shall be in the said "work house," and from and after the time of arrest of any person or persons, for any offense whatsoever, until the time of the trial or hearing, the person or persons so arrested may be imprisoned in the common jail of Ramsey county, or in the city prison, and in all cases where the said judge of the municipal court is or may be authorized to commit any person or persons for any cause by virtue of the provisions of the charter of said city, he may commit such person or persons to the said "work house."

**684. Appeals by city.**—Sec. 3. The city may prosecute an appeal in all cases to the district court, or to the supreme court of the state. The mayor, in case of such appeals, or in any action or proceeding to which the city is a party, and in which a bond may be necessary, shall execute a bond, signed by him and the city clerk, who shall affix the corporate seal thereto, conditioned as may be necessary in such action, proceeding or appeal, but no sureties or justification shall be required for said bond. Nor shall the city be required in any case to file a bond or give other security for costs.

**685. Not incompetent.**—Sec. 4. No person shall be an incompetent judge, justice, witness or juror, by reason of his being an inhabitant of said city, in any proceeding or action in which the city shall be a party in interest.

**686. State offenders.**—Sec. 5. The City of St. Paul shall not be liable in any case, for the board or jail fees of any person who may be committed by any officer of the city, or any magistrate, to the jail of Ramsey county for any offense punishable under the state laws.

**687. Process in suits against city.**—Sec. 6. Whenever any suit, action or proceeding shall be brought against the City of St. Paul, the summons or process shall be served on the mayor, and it shall be the duty of the mayor to forthwith inform the corporation attorney thereof, who shall take such other proceedings as may be needful to defend the interests of the city, provided that the court in which any complaint may be filed, or any judge thereof, may in his discretion direct such other or further notice of the pendency of such action, to be given by publication or otherwise, as to the court or any judge thereof may seem meet and proper.

**688. Conveyances of city real estate.**—Sec. 7. All deeds, leases and other instruments executed by said city, for the conveyance of real estate, or any interest therein, for a term not exceeding one (1) year, shall be authorized by a resolution of the common council, which shall be quoted or referred to in such instrument, and signed by the mayor and city clerk, who shall affix the seal of the city thereto, and shall be countersigned by the comptroller.

**689. Official publications.**—Sec. 8. The time specified for the publication of any notice required to be published in the official paper of said city, under the city charter or of any of the provisions of the amendments thereto, shall commence with its first publication.

**690. Notice of damage claims.**—Sec. 9. Before the City of St. Paul shall be liable to any person for damages for, or on account of, any injury or loss alleged to have been received or suffered by reason of any defect in any bridge, street, road, sidewalk, park, public ground, ferry boat, or public works of any kind in said city, or by reason of any alleged negligence of any officer, agent, servant or employe of said city, the person so alleged to be injured, or some one in his behalf, shall give to the common council of said city, within thirty (30) days after the alleged injury, notice thereof; and shall present his or their claims to compensation to the common council in writing, stating the time when, the place where and the circumstances under which such alleged loss or injury occurred, and the amount of compensation or the nature of the relief demanded from the city, and such body shall have ten days' time within which to decide upon the course it will pursue with relation to such claim; and no action shall be maintained until the expiration of such time on account of such claim nor unless the same shall be commenced within one year after the happening of such alleged injury or loss.

**691. Records, printed compilations, etc., as evidence.**—Sec. 10. Section twenty-two (22) of sub-chapter twelve (12) of chapter one (1) of the Special Laws of the State of Minnesota for the year 1874, in the following words shall remain in full force, to-wit:

The files, papers and records in the office of the city clerk, city engineer, clerk of the board of public works, or any other officer of said city, or copies thereof duly certified by the officer having the same in charge, proofs of publication of all notices, resolutions, orders or proceedings of the common council or board of public works, required to be published under this act, on file in the proper office, or copies thereof certified by the officer having the same in charge, shall be received and read in evidence in all courts and places without further proof. All printed compilations of the laws and ordinances of the city, and all printed publications of the proceedings of the common council or of the board of public works or any of the officers of said city, if published or purporting to be published, compiled or revised by or under the authority of the said city, or any of its officers, shall be admissible in all courts of law and on all other occasions in this state as evidence of such laws, ordinances and proceedings.

**692. Record of deeds where city is a party.**—Sec. 11. Section 6 of chapter 92, of the Special Laws of the State of Minnesota for the year 1881, in the following words, shall remain in full force, to-wit: "That it is hereby made the duty of the register of deeds of Ramsey county to record any deed or any other instrument in which the grantor or grantee is the City of St. Paul, without requiring the same to be certified, 'taxes paid and transfer entered or paid by sale of land described within,' any general laws of the state to the contrary notwithstanding."

**693. Court house and city hall—Joint committee.**—Sec. 12. That the following portion of section 1, chapter 61 of the Special Laws of the State of Minnesota for the year 1889, in the following words shall remain in full force, to-wit:

The said building (court house and city hall) when completed, shall be in charge of a joint committee of seven (7) to be appointed as follows: The mayor of said City of St. Paul shall be ex-officio a member of and the chairman of said committee. Three (3) of said committee shall be appointed annually by the president of the common council of said city from the members of said council and three (3) shall be appointed annually by the chairman of the board of county commissioners from the members of said board. Said committee shall have entire charge of said building and shall have power to

appoint such janitor, custodian and other employes as they shall deem necessary for the proper care and management of said building and at such compensation as said committee shall determine. The members of said joint committee shall each be entitled to receive for their services a compensation of one hundred (100) dollars per annum and no more, which shall be paid at the expiration of each and every quarter year, and together with the expense of keeping said building in repair and the necessary expense of heating and maintaining the same, shall be paid equally by said city and county; that is to say, one-half thereof out of the treasury of said city, and one-half out of the treasury of said county.

**694. Plumbing regulations—Plumbers' licenses.**—Sec. 13. The provisions of section thirteen (13) of chapter forty-eight (48) of Special Laws of Minnesota for the year 1887, are hereby continued in force until the common council, under the provisions of chapter fourteen (14) of this charter, adopt rules and regulations as a substitute therefor. The said law so continued in force is as follows:

No person or persons shall carry on a business of plumbing, or engage in conducting plumbing or house-drainage until he or they shall first obtain a license as such plumber from the inspector of buildings, and no person shall receive such license who shall not furnish said building inspector with satisfactory evidence of his responsibility and skill to ply his trade in accordance with the rules and regulations of the common council, the board of water commissioners, the board of health and the inspector of buildings and the ordinances of said city; and who shall also have a place of business and reside within the limits of said city. And it shall be the further duty of every person or persons making an application for a license to carry on the business of plumbing, to accompany his or their application with a bond signed by two (2) or more sureties, in the sum of five hundred (500) dollars, to be approved by the inspector of buildings, conditioned that he or they will indemnify and save harmless the City of St. Paul from all accident and damage caused by negligence in either the execution or protection of his work, or for unfaithful or inadequate work done under and by virtue of his license; and that said license, as such, will also conform to all the conditions and requirements of the city for his or their government, or in default thereof will submit to such penalties as are or may be prescribed by the common council, board of water commissioners, board of health, or inspector of buildings.

**695. Inspector of buildings may suspend license.**—The inspector of buildings shall have authority and power, whenever, in his opinion, any plumber in doing any plumbing or house drainage, violates any rule or regulation of the board of health, board of water commissioners, common council or inspector of buildings, to suspend said license, and it shall be the duty of the inspector of buildings to report his action in the premises to the mayor of the city, who, together with the city engineer, health officer and inspector of buildings, shall constitute a board before whom the subject matter of suspension of any and all plumbers' licenses shall be inquired into, giving an opportunity to the holder of any suspended plumber's license to appear before said board and make such statement or produce any proof which he may desire to introduce to aid him in his defense; after which said board shall render such decision in the case as they may deem just, and if, in the opinion of said board, the charges are well founded, they make revoke said license, or may impose a fine of not more than one hundred (100) dollars, upon payment of which to building inspector, said license shall be restored. All fines received under the provisions of this section shall be paid into the city treasury.

**696. House drains and cess-pools.**—The inspector of buildings is hereby authorized and directed to adopt and promulgate suitable rules and regulations for the construction of house-drainage and cess-pools, and to provide for the registration of master plumbers and persons engaged in the plumbing business of the city; provided, that no cess-pool shall be permitted to drain

into any sewer. And provided further, that nothing in this section shall be construed to apply to cess-pools in existence within the city limits at the present time, or their connection with or drainage into, any sewer.

Said inspector shall also establish a system of inspection and supervision over all house-drainage and cess-pools, and ventilation of the same, and appoint such inspectors as in his judgment may be necessary, at such compensation as may be approved by the common council. Any person who shall refuse or neglect to comply with all the requirements of said rules and regulations when promulgated, shall be guilty of a misdemeanor, and on conviction thereof be sentenced to pay a fine of not more than one hundred (100) dollars, or undergo an imprisonment not exceeding one (1) year, or both, in the discretion of the court. (Sec. 13, Ch. 18, S. L. 1887.)

**697. Curative clause.**—Sec. 14. All provisions of law now in force and which are also contained in this charter shall be regarded as being continued in force, and all provisions of law now in force which are changed, modified or amended shall be regarded as continued in force as so changed, modified or amended.

**698. Tax settlements, payments to city by county treasurer.**—Sec. 15. Section twelve (12) of chapter ninety-three (93), Special Laws of the State of Minnesota, for the year one thousand eight hundred and eighty-one (1881, as amended by section seventeen (17), chapter seven (7), Special Laws of the State of Minnesota, for the year one thousand eight hundred and eighty-five (1885), and which section, as so amended, in the words following, to-wit:

"Sec. 12. That it is hereby made the duty of the treasurer of the county of Ramsey, in the collection of taxes, to keep a set of books, so as to show at all times the exact amount of money received or collected for the City of St. Paul, and for the board of education of the City of St. Paul, and that all taxes received by said county treasurer for the City of St. Paul, and for the board of education of the City of St. Paul, shall be distributed as collected on the books of said county treasurer to the credit of said City of St. Paul, and the board of education of the City of St. Paul, and fifty (50) per cent of the penalties received by the county treasurer for delinquent taxes shall belong to and shall be paid to the treasurer of the City of St. Paul for the use of said city, by said county treasurer, and the said county treasurer shall, on the first day of each and every month, or as soon thereafter as the same may be demanded, pay over to the city treasurer, of the City of St. Paul all moneys and penalties collected the previous month for said city, as well as all moneys collected for the board of education of said city as shown by the county treasurer's book or books."

"And it is hereby made the duty of the county auditor on the first week day of each and every month, or as soon thereafter as the same may be demanded, to draw his warrant upon the county treasurer in favor of the city treasurer for all money in the county treasury belonging to the City of St. Paul and the board of education of the City of St. Paul, as near as the same can be ascertained from the books of the county treasurer, shall remain in force."

**699. Officers holding when charter is adopted.**—Sec. 16. Nothing in this charter shall be construed to supersede any officer or officers of said city, now acting by virtue of the laws under which said city is incorporated, and any such officer or officers shall continue in office as heretofore until his or their term of office shall expire, except as otherwise expressly provided for in this charter.

**700. City engineer.**—Sec. 17. Whenever any rights, powers or duties are imposed upon or vested in the city engineer by virtue of this charter or any law continued in force herein, such rights, powers and duties shall be vested in and performed by the commissioner of public works.

The foregoing is a draft of the proposed charter of the City of St. Paul, made, framed and adopted by the Commission appointed by the District Court of the Second Judicial District of the State of Minnesota, under and pursuant to Section 36, Article IV, of the Constitution of the State of Min-

nesota, as amended by that certain amendment proposed by the Legislature of the State of Minnesota in an act of said Legislature known as Chapter 280 of the General Laws of Minnesota, for 1897, and duly adopted at the general election of said State held in the year 1898, and Chapter 351 of the General Laws of the State of Minnesota, for the year one thousand eight hundred and ninety-nine; and said draft of said proposed Charter of the City of St. Paul is hereby returned to the Honorable Andrew R. Kiefer, Mayor of said City of St. Paul, according to law, signed by the undersigned majority of said Commission.

Dated this 14th day of April, A. D. one thousand nine hundred,

CHAS. E. FLANDRAU,

President.

CARL TAYLOR,

Secretary.

AMBROSE TIGHE,

H. C. M'NAIR.

H. W. CHILDS.

G. H. BRIDGMAN.

NORMAN FETTER.

FRED C. NELSON.

E. O. ZIMMERMAN.

CHESTER R. SMITH.

FRANK B. DORAN,

ARMAND ALBRECHT.

LEWIS L. MAY.

## AMENDMENTS.

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At the general election held November 8, 1904, the following amendments (which are incorporated in the text of this publication) were submitted to the voters by the charter commission and adopted and ratified:

That subdivision 4 of section 4 of title II, chapter V. of said charter be amended so as to read as follows:

"To provide for the support and maintenance of the fire department of the city. The total expense of the administration of said department, including all expenditures for lands, buildings, rents, stores, fuel, horses, apparatus and appliances of every description, salaries, wages and all other outlay, whether of a temporary or permanent nature, shall not in any year exceed the sum of two hundred and forty-five thousand dollars, in addition to any unexpended balance remaining in said fire department fund from the preceding year."

That subdivision 5 of section 4 of title II, of chapter V. of said charter be amended so as to read as follows:

"To provide for the support and maintenance of the police department of the city. The total expense of the administration of the police department, including compensation of pound masters, and all expenditures for lands, buildings, rents, stores, fuel, horses, apparatus and appliances of all kinds, salaries, wages and all other outlay, whether of a permanent or temporary nature, shall not, in any year, exceed the sum of two hundred and fourteen thousand dollars, in addition to any unexpended balance remaining in said police department fund from the preceding year."

That subdivision 21 of section 4, title II, of Chapter V. of said charter be amended so as to read as follows:

"To provide for the maintenance and improvement of public parks, parkways, drives and other grounds under the jurisdiction of the board of park commissioners, not exceeding in any one year the sum of ninety thousand dollars, in addition to any unexpended balance remaining in said fund at the end of each fiscal year, and in addition to all moneys received by said board from donations or from the lease or operation of privileges, or other sources incident to the maintenance and management of the public parks."

That subdivision 15 of section 4 of title II, chapter V. of said charter be amended so as to read as follows:

"To provide for cleaning and repairing streets, sewers, sidewalks and crosswalks. The total amount of expenditure in any one year for all of said purposes, other than that paid by special assessment, shall not exceed the sum of two hundred thousand dollars, in addition to any unexpended balance remaining in said street and sewer fund from the preceding year."

That section 23 of title II, of chapter V. of said charter be amended so as to read as follows:

"Section 23. To provide for the support of the health department of said city, not exceeding, however, in any one year, the sum of twelve thousand dollars, in addition to any unexpended balance remaining in the health department fund from the preceding year; except that in case of invasion or threatened invasion of the city by dangerous epidemic, the common council may, by ordinance to be passed by at least three-fourths of all the members-elect of each body, authorize additional expenditure to be made from the general fund, as the same is herein provided for. The commissioner of health shall appoint an assistant commissioner of health, who shall be a physician in regular practice, and such number of inspectors as may be necessary, and shall fix the salary and compensation of said assistant and inspectors, provided always that the total expenditures of said department during any year shall not exceed the appropriation therefor as above provided. Any other re-



quirements of the charter in conflict with the foregoing provisions are hereby repealed.

The provision contained in section 3, title 2 of chapter 6 of said charter, imposing upon the commissioner of public works the duty of collecting and disposing of garbage and other waste matter is hereby repealed, and hereafter the duty of collecting and disposing of garbage, dead animals and other waste matter, except stable refuse and night soil, is hereby imposed upon the department of health, and such work shall be done under the direction and supervision of the commissioner of health, and a fund shall be provided therefor by taxation, to be known as the 'Garbage Fund,' which shall not exceed in any one year the sum of twenty-five thousand dollars, in addition to any unexpended balance remaining in said fund from the preceding year, and in addition to all moneys received from the sale and disposal of garbage, dead animals and other refuse matter, which receipts shall be credited to said fund.

The commissioner of health, within the limit of such appropriation, shall have power to employ such help and assistants as may be necessary to enable him to discharge the duties hereby imposed, and shall, with the approval of the common council, fix the compensation of all employes, outside of the health department proper, who are engaged in the collection and disposal of garbage, dead animals and other waste matter."

That section 10 of Chapter IV. of said charter be amended by adding at the end thereof the following subdivision:

Sixty-fourth—To provide and maintain public play grounds and places of recreation for children, and to levy the necessary tax to acquire and support the same not exceeding in any one year the sum of ten thousand dollars."

The charter commission submitting the amendments were:

JAMES E. MARKHAM,  
President.

EDWARD J. CANNON,  
Secretary.

CHARLES W. GORDON.

JAMES D. ARMSTRONG.

EDWARD P. SANBORN.

HENRY VON DER WEYER.

JAMES C. MICHAEL.

EBEN C. IVES.

H. E. W. SCHUETTE.

JOHN BLOMQUIST.

H. C. McNAIR.

F. B. DORAN.

WILLIAM B. WEBSTER.

F. M. CATLIN.

F. W. ZOLLMAN.

At the General Election held November 8, 1910, the following amendment (which is incorporated in this publication) was submitted to the voters by the Charter Commission, and adopted and ratified:

## AMENDMENT NO. 1.

Amend Section 11 of Chapter III of the Charter of the City of St. Paul so as to read as follows:

"Sec. 11. On the second Thursday in November of each year and up to three o'clock in the afternoon of said day, the City Clerk shall receive at his office sealed bids for the printing and publishing during the year beginning January 1st next following, in a daily or weekly newspaper printed and published in the English language in the City of St. Paul, qualified under the laws of the State of Minnesota to publish legal advertisements and specified in the bid, all ordinances, resolutions and other proceedings and matters required under this charter or the by-laws, resolutions or ordinances of the Common Council to be published in a public newspaper. Said bids shall be opened by the Common Council acting in joint session, and said Common Council in joint session shall on or before said January 1st accept the bid of the lowest reliable and responsible bidder and designate the said newspaper specified therein as aforesaid as the official newspaper of said City in which shall be made for said year all such publications, and said newspaper shall for said year be the official newspaper of said City and until its successor shall be designated.

At least ten days before the time fixed for receiving said bids, said Clerk shall give notice in the official paper of said City of the time, place and purpose for which said bids will be received, and in said notice shall reserve to the Common Council the right to reject any and all bids, and in case said Common Council shall reject such bids, the City Clerk shall forthwith re-advertise for bids in the manner aforesaid.

The successful bidder shall forthwith enter into a contract with the City for doing said printing and publishing, and shall at the same time give a bond in the penal sum of Ten Thousand Dollars (\$10,000) with some responsible surety company authorized to do business in the State of Minnesota, as surety thereon, to insure the fulfillment of said contract.

Hereafter it shall not be necessary to publish the first or preliminary order for the making of any public improvement, or resolutions authorizing the payment of salaries, department pay-rolls, or estimates under contracts with the City. The annual reports of all boards and departments of the city government, other than the Assembly and Board of Aldermen, shall be a sufficient publication of the minutes of their proceedings.

Proposals for making public improvements, for which an assessment is to be made, shall be received by the Board of Public Works upon at least ten (10) days' notice given by two publications in the official newspaper, and said time shall begin to run with the first publication, and this shall constitute a lawful and sufficient notice, anything now in said charter to the contrary notwithstanding."

The Charter Commission submitting the amendment were:

FREDERICK M. CATLIN,  
President.  
JOS. J. ERMATINGER,  
Secretary.  
FRANK B. DORAN.  
JAMES C. MICHAEL.  
H. VON DER WEYER.  
H. C. McNAIR.  
WM. B. WEBSTER.  
THEODORE G. WALTHER.  
WILLIAM G. WHITE.

(P. P. Oct. 3 to Nov. 1, 1910, Inc.)

At the City Election held May 5, 1908, the following amendment (which is incorporated in this publication) was submitted to the voters by the Charter Commission, and adopted and ratified:

## AMENDMENT NO. 1.

Amend subdivision one (U) of Title six (6) of Chapter VI., so as to read as follows:

"Section 1. The Common Council shall have the power to sprinkle and cause to be sprinkled, in such manner and to such extent as it may direct, the streets, alleys, parks, parkways and public grounds of said city, or any part thereof, without reference to or report from the Board of Public Works. It shall be the duty of the Commissioner of Public Works each year to employ the necessary men and teams therefor, and by use of the city sprinkling plan, to sprinkle such portions of the streets, alleys, parks, parkways and public grounds of the city, and for such length of time as the Common Council may, by resolution, order and direct, within the limits of the fund applicable thereto, and he shall cause such work to be properly inspected as it progresses.

"Said Commissioner shall keep an accurate account of the actual cost of doing all such sprinkling, and the amount thereof, as nearly as the same can be ascertained, together with the cost of inspection and of making and collecting the assessment, shall be, each year, assessed upon and against the real estate or lots of land fronting on said improvement, without regard to cash valuation thereof, or whether the same shall be improved or otherwise.

"In making said assessment the said cost and expense shall be apportioned pro rata in accordance with the length of time such sprinkling has been or is to be done, each year, upon the lineal feet of said real estate or lots of land fronting on said improvement, and when so assessed, as herein-after provided, the same shall constitute and be a lien upon and against the land so assessed until the same is paid.

"The said Commissioner of Public Works shall, on or before the 15th of October, in each year, accurately compute, upon the basis above provided for, the amount of such assessment against each piece or parcel of land so assessable for said improvement for the current year, and set such amount opposite the description thereof.

"Said Commissioner shall, not later than October 15 of each year, certify and deliver to the Auditor of Ramsey County, Minnesota, a complete list of said descriptions and amounts so computed as aforesaid.

"Said Auditor shall thereupon extend the respective amounts as shown in said certified list in the proper columns in the general tax records of said county, against the respective pieces or parcels of land indicated in said list so certified by said commissioner, and such amounts shall be included and collected with the general taxes against the property the next succeeding year, in the same manner as such general taxes are collected and enforced, and the laws of this state relating to the collection and enforcement of general taxes shall be applicable thereto, provided that exemption from general taxation shall not relieve any property from liability for the assessments herein authorized. Such assessments, together with all penalties and interest thereon, when collected, shall be paid over by the Treasurer of Ramsey County to the Treasurer of the City of St. Paul, and shall be placed by him to the credit of the Sprinkling Fund.

"The Common Council may, for the purpose of making provision for payment of the cost of such sprinkling, until such time as the assessments therefor can be collected include in the general tax levy not exceeding sixty thousand dollars (\$60,000) for the year 1909, and not exceeding forty thousand dollars (\$40,000) for the year 1910; not exceeding ten thousand dollars (\$10,000) from these amounts may be used for enlargement of the city sprinkling plant if the Common Council shall deem it necessary.

"The levying and collection of such taxes shall in no way prevent the making and collection of the assessments for sprinkling herein provided for, but the amount so derived from general taxation, except as above provided, together with the proceeds of such assessment, when collected, shall be set

aside in the City Treasury and be preserved as a fund from which the current cost of such sprinkling may be paid in advance of the collection of the annual assessments therefor.

"The Commissioner of Public Works may, with the approval of the Common Council, employ such clerical assistance as shall be necessary to enable him to prepare said assessment roll for delivery to the County Auditor, the expense thereof to be paid from the Sprinkling Fund.

"The power conferred under subdivision two (2) of this title shall not be exercised unless the Common Council shall by a two-thirds vote of each body, decide to proceed thereunder."

The Charter Commission submitting the amendment were:

F. M. CATLIN,

President

JOS. J. ERMATINGER,

Secretary.

T. G. WALTHER,

F. B. DORAN,

H. VON DER WEYER,

JAMES C. MICHAEL,

H. C. McNAIR,

F. W. ZOLLMAN,

JAMES D. ARMSTRONG.

At the General Election held November 6th, 1906, the following amendments (which are incorporated in this publication) was submitted to the voters by the Charter Commission, and adopted and ratified:

## AMENDMENT NO. 1.

To amend section three of chapter one of said charter so as to read as follows:

"Sec. 3. The said City of Saint Paul shall be and is hereby divided into twelve (12) wards, to be called the First (1st), Second (2), Third (3rd), Fourth (4th), Fifth (5th), Sixth (6th), Seventh (7th), Eighth (8th), Ninth (9th), Tenth (10th), Eleventh (11th) and Twelfth (12th) wards, respectively, limited and bounded as follows:

All that portion of said city lying to the eastward of the St. Paul & Duluth railroad track, from the northern boundary of the city to the intersection of said track with Brook street, and east of the center line of Brook street, and Brook street extended from such point of intersection to the Mississippi river, and east of the Mississippi river from said Brook street produced to the south boundary line of the city, shall be the Second (2nd) ward.

All that portion of said city lying south of the center line of the Mississippi river shall be the Sixth (6th) ward.

The Twelfth (12th) ward shall be bounded as follows: Commencing at the northeast corner of section numbered twenty-two (22), in township numbered twenty-nine (29), range twenty-three (23); thence running south to the center line of Carroll street; thence east on the center line of Carroll street to the center line of Dale street; thence north on the center line of Dale street to the northerly boundary line of said city; thence west on the northerly boundary line of the city to the place of beginning.

The Eighth (8th) ward shall be bounded as follows: Commencing where the center line of Dale street intersects the north boundary line of the city; thence southerly along the center line of Dale street to the center line of Carroll street; thence east along the center line of Carroll street to the center line of Farrington avenue; thence south on the center line of Farrington avenue to the center line of Marshall avenue; thence east on the center line of Marshall avenue to the center line of Louis street; thence south on the center line of Louis street to the center line of Nelson avenue; thence east on the center line of Nelson avenue to the center line of Summit avenue; thence northeasterly on the center line of Summit avenue to the center line of Rice street; thence northerly along the center line of Rice street to the northern boundary of the city; thence west along the northern boundary line of the city to the place of beginning.

The Seventh (7th) ward shall be bounded as follows: Commencing at a point of intersection of center line of West Third street with center line of College avenue; thence southwesterly through the center of Blocks numbered, respectively, Sixty-four (64) and Seventy (70) of Dayton and Irvine's Addition to the center line of Irvine avenue at its point of intersection with center line of Walnut street; thence southwesterly along center line of Irvine avenue to the center line of Western avenue; thence south along the center line of Western avenue to center line of Pleasant avenue; thence southwesterly along center line of Pleasant to the center line of St. Clair street; thence west along the center line of St. Clair street and St. Clair street extended, in a straight line to the southwest corner of the Southwest Quarter (1/4) of Section Three (3), in Township numbered Twenty-eight (28), Range Twenty-three (23); thence north in a straight line to the center line of Marshall avenue; thence easterly along center line of Marshall avenue to center line of Lexington avenue; thence north along center line of Lexington avenue to center line of Carroll street; thence easterly along southern boundaries of the Twelfth (12th) ward and of the Eighth (8th) ward, as herein described, to center line of Summit avenue; thence southwesterly along center line of Summit avenue to center line of West Third street; thence southeasterly along center line of West Third street to place of beginning.

The Fifth (5th) ward shall be bounded on the east by the following line: Commencing at the intersection of the center line of West Third street with

the center line of College avenue; thence southeasterly along center line of West Third street with the center line of Eagle street; thence southeasterly along center line of Eagle street to the Mississippi river; on the north by the Seventh (7th) ward; on the south by the Mississippi river; and on the west by a line commencing at the southwest corner of Seventh (7th) ward, as herein described, and running thence south to the Mississippi river.

The Ninth (9th) ward shall be bounded as follows: On the north by the northern boundary of the city; on the east by the center line of Mississippi street and Mississippi street extended in a straight line to the northern boundary of the city; on the west by the center line of Rice street, and on the south by a line which commences at a point of intersection of center line of Rice street, with center line of Summit avenue, and runs thence northeasterly along said center line of Summit avenue to the center line of Wabasha street thence northwesterly along center line of Wabasha street to center line of East Summit avenue; thence northeasterly along said center line of East Summit avenue to center line of Robert street; thence northwesterly along said center line of Robert street to center line of Thirteenth (13th) street; thence northeasterly along said center line of Thirteenth street to center line of Jackson street thence southeasterly along said center line of Jackson street to center line of Grove street; thence easterly along said center line of Grove street to its point of intersection with the center lines of Broadway and Mississippi streets.

The Fourth (4th) ward shall be bounded as follows: On the east by the center line of Jackson street, on the north by the Eighth (8th) and Ninth (9th) wards, on the west by the Seventh (7th) and Fifth (5th) wards and on the south by the Mississippi river.

The First (1st) ward shall be bounded as follows: On the north by the northern boundary of the city, on the east by the Second (2d) ward, on the west by the Ninth (9th) ward, and on the south by the center line of Grove street.

The Third (3d) ward shall be bounded as follows: On the north by the First (1st) ward and Ninth (9th) ward, on the east by the Second (2d) ward, on the south by the Mississippi river, and on the west by the center line of Jackson street.

The Tenth (10th) ward shall be all that portion of the City of St. Paul lying west of the Twelfth ward as herein described and north of the center line of University avenue.

The Eleventh (11th) ward shall be all that portion of the City of St. Paul lying west of the Fifth (5th), Seventh (7th) and Twelfth (12th) wards, as herein described and south of the center line of University avenue.

The Common Council shall not have authority to change the boundary lines of said wards."

## AMENDMENT NO. 9.

To amend chapter IX. of the Charter of St. Paul by adding at the end thereof the following new section, viz:

"Section 34. The Common Council of the city of St. Paul shall have the power, upon request of the Board of Water Commissioners, without first submitting the question to the voters of the city, to issue and sell not exceeding five hundred thousand dollars (\$500,000) par value in and of the bonds of said city, for the purpose of, and the proceeds thereof to be used solely for extending, enlarging and improving the public water plant and water works system owned and operated by said city, provided that not more than one hundred fifty thousand dollars (\$150,000) par value of said bonds shall be issued in any one calendar year.

Said bonds shall be in form to be prescribed by the common council and shall bear interest at a rate not exceeding four per cent per annum, and shall be payable in not to exceed thirty years after their date. Said bonds may be so issued and sold notwithstanding any provisions of law placing any maximum limit upon the bonded indebtedness of said city.

When said bonds or any of them are issued and sold it shall be the duty of the Board of Water Commissioners to make suitable provision from the revenues of said water plant for the prompt payment of all current interest on said bonds as the same accrues, and for the redemption of said bonds at their maturity."

The Charter Commission submitting the amendments were:

JAMES E. MARKHAM,  
President.  
JOS. J. ERMATINGER,  
Secretary.  
W. B. WEBSTER.  
H. C. McNAIR,  
E. C. IVES.  
A. W. WHITNEY.  
JAMES D. ARMSTRONG.  
J. P. GRIBBEN.  
FREDERICK M. CATLIN.  
H. VON DER WEYER.  
JAMES C. MICHAEL.  
F. W. ZOLLMAN.  
FRANK B. DORAN.  
EDWARD P. SANBORN.  
CHARLES W. GORDON.

# INDEX.

AMENDMENTS..... Pages 177-178-179-180-181-182-183-184; 15-7-87-108

	Section.	Page.
ABATEMENT OF TAXES, how secured.....	582	118
ACTING MAYOR.....	44	16
ACTIONS AGAINST CITY, process.....	687	172
Notice of damage claims.....	690	173
ACTIONS ON BEHALF OF CITY.....	682	172
ADVERSE POSSESSION, as affecting city property.....	307	77
ALDERMEN, election of.....	8	10
(See Common Council.)		
ALMS HOUSE—		
Board of control to have charge.....	676	170
Cost shared by city and county.....	669	169
Poor farm, title to.....	673	169
Relief to non-residents, rates for.....	677	170
ANNUAL FUNDS, named.....	167	35
Account with each, how kept.....	159	33
Board of control fund.....	P. 8	167 36
Board of public works fund.....	P. 13	167 37
Bridge building and repair fund.....	P. 16	167 37
Commissioner of public works fund.....	P. 12	167 37
Contingent fund.....	P. 22	167 38
Court house and city hall fund.....	P. 10	167 37
Departments limited to, penalty.....		166 35
Fire department fund.....	P. 4	167 35
Garbage fund.....	P. 23	167 38
General fund.....	P. 22	167 38
Health department fund.....	P. 23	167 38
Interest fund.....	P. 1	167 35
Judgment fund.....	P. 17	167 37
Library fund.....	P. 20	167 37
Lighting fund.....	P. 6	167 36
Municipal court fund.....	P. 19	167 37
Parks and parkways fund.....	P. 21	167 38
Police department fund.....	P. 5	167 36
Printing and stationery fund.....	P. 18	167 37
Redemption fund.....	P. 3	167 35
Salary fund.....	P. 11	167 37
School fund.....	P. 9	167 36
Sinking fund.....	P. 2	167 35
Sprinkling fund.....	P. 21	167 38
Street and sewer fund.....	P. 15	167 37
Water fund.....	P. 7	167 36
Workhouse fund.....	P. 11	167 37
ANNUAL REPORTS, of city officials and boards.....	568	115
APPEALS, by the city.....	684	172
Condemnation of real estate, relating to.....	250	61
Id., affect only property of appellants.....	262	65



	Section.	Page.
APPROPRIATIONS, two-thirds vote council to pass.....	45	16
Requests for must be itemized.....	163	34
ASSEMBLYMEN, election of.....	8	10
(See Common Council.)		
ASSESSMENTS FOR LOCAL IMPROVEMENTS—		
Assessment district, how determined.....	240	58
Assessment of cost after award of contract.....	256	63
Benefits, rule for estimating.....	298	74
Board of public works to make.....	237	57
Buildings on lands taken for streets or alleys.....	302	76
Certificates of sale bid in by city may be assigned.....	288	71
Certificates of sales need not be acknowledged.....	306	77
Condemnation of real estate.....	241	59
Appeals to district court.....	250	61
Appeal affects only property of appellant.....	262	65
Benefits, how assessed.....	248	60
Buildings on lands condemned.....	246	60
Confirmation of assessment, notice, hearings.....	249	61
Covenants, etc., touching lands condemned.....	253	63
Damages, how awarded, and interest.....	243	59
Damages, payment of.....	251	62
New assessments.....	249	61
Id., following appeals sustained.....	262	65
Notice and hearings.....	242	59
Objections to assessments.....	249	61
Plats of condemned lands to be filed.....	305	77
Possession of lands by city.....	252	62
Confirmation, notice, hearing, objections.....	259	64
Contracts may be re-let, when.....	292	73
Deed issued only after assessments paid.....	285	71
Deeds of record, treasurer's certificate must show assessments paid.....	300	75
Errors by board of public works do not invalidate.....	240	58
Errors or omissions shall not vitiate.....	284	70
Errors subsequent to confirmation, how remedied.....	291	72
General powers of city.....	234	56
Hearings on improvements.....	239	58
Improvements not assessable.....	310	77
Improvements not subject to assessment.....	236	57
Improvements subject to assessment.....	235	56
Inadequate assessments, how remedied.....	290	72
Interest on unpaid assessments.....	266	65
Irregular or defective assessments, how cured.....	296	74
Judgment, application for by treasurer.....	267	66
Advertisement of land sales.....	273	68
Assessments not litigated.....	270	66
Certificates of land sales.....	274	68
City a purchaser, when.....	275	68
Costs.....	271	67
Deeds to purchasers as evidence, how set aside.....	280	70
Formal irregularities or defects.....	270	66
Interest on judgments.....	287	71
Judgments may be opened, when.....	297	74
Notice of application.....	267	66
Objections, scope of and when filed.....	270	66
Order giving judgment.....	271	67
Payments on judgment sales.....	275	68
Proceedings in court shall have priority.....	270	66
Process for sale of land.....	272	67

	Section.	Page.
ASSESSMENTS FOR LOCAL IMPROVEMENTS—Cont.		
Judgments—Cont.		
Redemption of lands sold.....	277	69
Sales at public vendue.....	282	70
Sales in error.....	279	69
State liens not affected.....	277	69
Treasurer's record of judgment sales.....	276	68
Treasurer's successor shall act.....	281	70
Unredeemed lands, advertisement of.....	277	69
Land donations, rule concerning.....	245	59
Lien on premises, assessments shall be.....	285	71
Municipal quarries, etc., assessments for.....	261	65
Neglect by treasurer or other officer.....	283	70
New assessments.....	259	64
Notice of assessments.....	258	64
Notices, Sunday publications.....	260	64
Notices, two or more may be combined.....	260	64
Objections, filing of.....	259	64
Orders by council, forms of.....	301	75
Proceeds to form separate fund.....	176	41
Proofs of publication of notices as evidence.....	294	74
Railway property, assessment against.....	257	64
Reassessments after application for judgment.....	289	71
Record of proceedings, certified copies.....	255	63
Refundments of over-assessments.....	290	72
Refunds, application for.....	176	41
Sale of real estate struck off to city.....	286	71
Sewers assessments for.....	319	81
Sidewalks, assessments for.....	312	78
Stagnant ponds, how abated.....	308	77
Street grades, damages and benefits.....	326 82	83
Unforeseen obstacles to improvements.....	294	73
Unnecessary delay in proceedings, forbidden.....	309	77
Warrants for assessments.....	262	65
Delivery to treasurer.....	263	65
Notice by treasurer.....	264	65
Water pipes damaged by change street grade.....	114	114
ASSESSMENTS, paramount liens.....	265	65
ASSESSMENT OF PROPERTY for general taxation.....	551	146
ASSESSOR—		
Appointment, qualifications, etc.....	571	146
Assistant assessors.....	572	146
Duties and powers.....	573	147
Member board of equalization.....	578	147
Record of assessment and proceedings.....	576	147
Separate assessment roll of each ward and town.....	575	147
BANK DEPOSITS, committee on.....	200	46
Interest on daily balances.....	202	47
BILL BOARDS, council may regulate and license.....	406	23
BIRTHS AND DEATHS who to register and report.....	459	115
BOARD OF CONTROL—		
Annual fund for.....	P. 8	167
Appointment, term, compensation.....	670	169
Clerk, appointment and salary.....	670	169
Powers and duties.....	672	169
Powers of county board.....	671	170
Relief to non-residents, rates for.....	674	170

	Section.	Page.
BOARD OF EQUALIZATION, how constituted.....	578	147
Aggregate of valuations cannot be reduced.....	580	148
Arbitrary assessments.....	580	148
Compensation of members.....	581	148
Meetings .....	579	148
BOARD OF FIRE COMMISSIONERS (See Fire Department.)		
BOARD OF LIBRARY DIRECTORS (See Public Library.)		
BOARD OF PARK COMMISSIONERS (See Parks and Parkways.)		
BOARD OF POLICE COMMISSIONERS (See Police Department.)		
BOARD OF PUBLIC WORKS—		
Annual fund for.....P. 13	467	37
Appointment of members, term, oath.....	227	54
Assessments, special (see Assessments.)		
Clerk, bond required.....	33	13
Clerk hire allowance.....	561	143
Contracts, shall have no interest in.....	228	54
Local improvements, (see Assessments and Local Improvements.)		
President, clerk, rules.....	229	54
Qualifications of members.....	226	54
Report change of street grades to water board.....	422	106
Street lamps, inspection of.....	303	76
BOARD OF SCHOOL INSPECTORS (See Schools.)		
BOARD OF WATER COMMISSIONERS. (See Water Board.)		
BOARD OF WORKHOUSE DIRECTORS (See Workhouse.)		
BONDED DEBT—		
Annual fund for.....	167	35
Council authorized to levy taxes for.....	178	41
Faith and credit of city pledged.....	180	41
Refunding of bonds authorized.....	179	41
Council may provide for.....	188	43
Signatures to bonds and coupons.....	189	43
BONDS OF CITY OFFICIALS.....	33	13
Comptroller, custodian of.....	205	47
BOUNDARIES, city defined.....	2	5
Council cannot change.....	3	6
Wards, defined.....	3	6
BREWERIES, location of.....	80	20
BRIDGES—		
Annual fund for.....P. 16	167	37
Council may construct.....	118	26
Damages for change of grade.....	119	27
Notice of claims, etc., for damages.....	120	27
Petitions not necessary.....	121	27
To become part of street or highway.....	118	26
BUDGET (See Conference Committee, report.)		
BUILDING REGULATIONS, ordinance affecting.....	543	139
Amendments must be of general application.....	544	139
Buildings insecure or unsafe to be inspected.....	95	22
Building inspector, who to act.....	233	56
House drains and cesspools, rules for.....	696	174
Ordinance cannot be suspended.....	544	139
Revision of ordinance, how made.....	546	139

# INDEX.

189

	Section.	Page.
CEMETERIES, jurisdic-tion over.....	464	115
CERTIFICATES OF INDEBTEDNESS—		
Council may authorize.....	191	43
First charge upon tax receipts.....	193	44
Form of and signatures to.....	196	14
Maturity, interest rate, denominations.....	192	43
Minimum price and time of sale.....	197	45
Purchase of from moneys in annual funds.....	198	46
Rules governing sale.....	195	44
CERTIFICATES OF PURCHASE, assignable.....	278	69
CHARTER COMMISSION—		
Members of in 1900.....	700	175
Members in 1901.....		177
CITY ENGINEER (See Commissioner of Public Works.)		
CITY CLERK—		
Assistant, appointment and duties.....	26	12
Bond required.....	33	13
Bonds in appeal cases executed by.....	684	172
Clerk hire allowance.....	561	143
Deeds and leases to be signed by.....	688	172
Duties of.....	25	12
Election and term.....	24	12
Notice of city election, to give.....	11	10
Salary of.....	560	143
Secretary of park board and conference committee.....	27	12
CITY DEPOSITORIES.....	200	46
CITY JOBS, council members prohibited from soliciting.....	141	30
CITY AND COUNTY PHYSICIAN.....	672	169
Duties of, term and salary.....	679	170
Police force, examinations of.....	380	95
CITY HOSPITAL,—		
Board of control to have charge.....	676	170
Cost to be shared by city and county.....	669	169
Pay patients, receipts how divided.....	678	170
CLERK HIRE ALLOWANCES.....	561	143
CLERKS, to be certified to mayor and comptroller.....	162	34
COMMISSIONER OF PUBLIC WORKS—		
Annual fund for.....P. 12	167	37
Appointment, term, qualifications.....	230	55
Assistants and employes.....	231	55
City engineer's duties transferred to.....	700	175
Duties of commissioner.....	232	55
Employes, number and compensation.....	562	143
Ex-officio building inspector.....	233	56
Excavations in streets, duties concerning.....341 P. 88	318	89
Plat commission, member of.....	583	149
Plats, copies to be retained in office.....	588	151
Salary of, and assistants.....	560	143
Schedule of employes required weekly.....	304	76
Street sprinkling, duties relating to.....339 P. 85	301	86
Working day for employes.....	304	76
COMMITTEE ON BANK DEPOSITS.....	200	46

	Section.	Page.
COMMON COUNCIL—		
Aldermen, one from each ward.....	40	15
Apportionment of miscellaneous receipts.....	169	39
Appropriate money for city purposes only.....	48	17
Appropriation of money by 2-3 vote.....	45	16
Assembly, nine members.....	40	15
Assembly and aldermen meet separately.....	40	15
Board of control, members not eligible to.....	670	169
Bridges, power to construct.....	118	26
Canvass of election returns.....	13	10
Certificates of indebtedness.....	191	43
Purchase of, may authorize.....	198	46
City Jobs, no member to solicit.....	144	30
City hall and court house commission, president to appoint....	693	173
Commissioner public works, may fix compensation of em- ployes .....	304	76
Conference committee's report, action on.....	166	35
Contracts, no power to compromise.....	142	30
Approved by 2-3 vote.....	315	80
Constables, vacancies in office to be filled by.....	593	153
Damage claims to be received by.....	690	173
Damages compromised by 3-4 vote.....	143	30
Deeds and leases by city, authorized by.....	688	172
Election districts, may fix.....	12	10
Elect members board of equalization.....	578	147
Election of members.....	5	9
Election of officers at joint session.....	43	16
Eminent domain, power in council and board public works....	123	27
Exempt from jury duty.....	37	14
Fallen women, institution for.....	114	25
Finances and property, control of.....	48	17
Fines, power to impose.....	113	24
Fire department expenditures, approval of.....	385	96
Franchises in streets, may grant.....	124	28
Additional conditions and terms.....	138	30
Exclusive franchises prohibited.....	127	28
Ordinance to lie over ten days.....	128	28
Perpetual franchise prohibited.....	126	28
Regulation of.....	125	28
Right to forfeit.....	134	29
Right to regulate rates.....	133	29
General powers and duties.....	48	17
Grade, may compensate for change of.....	119	27
Notice of claim and hearing.....	120	27
How composed, two bodies.....	40	15
Joint session.....	41	15
Journal to be kept by each body.....	42	16
Justices of peace, to fill vacancies.....	596	153
Levee, may lease Sixth ward.....	145	30
License, revocation of.....	113	24
Local improvements, may modify owing to unforeseen obstacles	294	73
Municipal court clerk, may remove.....	608	156
Municipal court, furnish quarters for.....	599	154
Municipal court, president of, to select jurors.....	639	161
Officers of each body elected.....	43	16
Offices, new or salaried cannot be created.....	140	30
Ordinances, style of.....	45	16
Ordinances and resolutions may originate in either body.....	45	16
Ordinances, resolutions and orders approved by mayor.....	46	16

## COMMON COUNCIL. Cont.

Ordinances and resolutions not approved by mayor, operative when .....	46	16
Ordinances and resolutions, pass over mayor's veto.....	46	16
Ordinances, etc., publication of.....	47	17
Ordinances and resolutions, majority vote, each body.....	45	16
Peace officers, members shall be.....	376	95
Plats, to be accepted by.....	585	150
Plumbing regulations to be adopted.....	694	171
Presiding officer to sign proceedings.....	12	16
Printing, joint committee to establish rules.....	47	17
Public highways, control of.....	116	25
Qualifications of members.....	9	10
Quorum, rules.....	41	15
Railways, steam, electricity, elevated.....	135	29
Real estate, power to lease, foreclose, sell.....	122	27
Salary of assemblymen and aldermen.....	560	143
Sealer of weights and measures, appoint.....	85	21
Sewer systems, may establish or alter.....	317	81
Sewers, appropriations for authorized.....	319	81
Special elections, ordered by 2-3 vote.....	11	10
Special meetings, how called.....	43	16
Specific powers of, to prohibit, prevent, regulate and license..	49	17
Animals, herding of.....	67	19
Animals running at large.....	65	19
Auctioneers, license and regulate.....	74	20
Bill boards, sign boards, fences.....	106	23
Billiard and pool tables, license.....	70	19
Births, registration of.....	100	23
Bread, size and weight of.....	81	21
Buildings, construction of.....	95	22
Buildings, removal of when unsafe.....	68	19
Burials within city.....	100	23
Butchers and meat vendors.....	79	20
Chimneys, construction of.....	95	22
Circus, theater and show, licenses for.....	69	19
Coal and firewood, sale of.....	81	21
Concealed weapons, carrying of.....	57	18
Contagious diseases.....	62	19
Deaths, registration of.....	100	23
Dirt, removal of.....	90	21
Disorderly assemblages and riots.....	52	18
Disorderly houses, etc.....	53	18
Dogs, impose tax on, kill vicious ones.....	93	21
Driving on sidewalks.....	66	19
Drunkenness and obscenity.....	58	18
Fire limits, safety regulation.....	104	23
Fast driving on streets.....	55	18
Firearms and fireworks.....	56	18
Gambling and fraudulent devices.....	50	18
Garbage, establish plant for collection and disposal of....	109	24
Gunpowder, storage of.....	92	21
Hackmen, license and regulate.....	75	20
Hack stands, locate.....	75	20
Hacks, trucks, etc, license.....	77	20
Hay, sale and weighing of.....	81	21
Hospitals, council to establish and regulate.....	100	23
Health, jurisdiction beyond city limits.....	61	18
Hotel and restaurants.....	71	19
Ice, cutting and sale of.....	87	21

	Section.	Page.
COMMON COUNCIL.—Cont.		
Specific powers of—Cont.		
Inspection of meats, liquors, etc.....	82	21
Insurance agents.....	73	20
Junk shops.....	141	24
Lighting city and public buildings.....	99	22
Liquors, grant license for sale of.....	86	21
Liquors, sale of without license.....	51	18
Lumber and building materials.....	83	21
Market master, council to appoint.....	96	22
Market places, locate, regulate and maintain.....	96	22
Meats, regulate sale of.....	79	20
Nuisances, abatement of.....	60	18
Nuisances, to be abated by owner or occupant.....	91	21
Order, keep at depots.....	76	20
Paupers, regulation of.....	64	19
Pawn brokers, license and regulate.....	72	19
Prohibition, establish districts.....	107	24
Peddlers, license and regulate.....	75	20
Petroleum, storage of.....	92	21
Plats, accept and approve.....	103	23
Public baths.....	88	21
Public buildings, for city purposes.....	110	24
Public health regulations.....	61	18
Public play grounds.....	112	24
Quarries may be established.....	108	24
Real estate, acquire and hold.....	105	23
Rubbish, removal of.....	90	21
Second-hand stores.....	111	24
Second-hand stores, junk shop.....	78	20
Slaughter houses, breweries, pawn shops.....	80	20
Steam boilers, license and regulate.....	94	22
Streets, encumbrances in.....	54	18
Street lighting, award contracts for.....	99	22
Smoke, emission of dense, a nuisance.....	95	22
Snow, removal of.....	90	21
Sprinkling, establish and maintain plants.....	109	24
Taxes, levy annually.....	102	23
Ten-pin alleys.....	70	19
Ticket brokers.....	75	20
Trees on street and public grounds.....	89	21
Unwholesome substances, depositing of.....	59	18
Vagrants, mendicants, beggars.....	63	19
Watchmen, number and duties.....	101	23
Waterworks, establish, maintain and regulate.....	98	22
Weights and measures.....	84	21
Wharves and piers, construct and maintain.....	97	22
Street grades, shall establish.....	324	82
Street grades, may alter.....	324	82
Street lamps, council to authorize.....	303	76
Streets, control of rights in.....	135	29
Street sprinkling, relating to.....	338	85
Municipal sprinkling plant.....	343	86
Orders by council on 3-4 vote.....	342	86
Taxes, no power to relieve lawful.....	141	30
Tax levy, when and how made.....	171	39
Tunnels, power to construct.....	118	26
Viaducts, power to construct.....	118	26
Vacancies, how filled.....	49	11
Vacations, council sole power to grant, petition for, vote.....	117	25

	Section	Page
COMMON COUNCIL.—Cont.		
Vote required on certain measures.....		4
Workhouse, may imprison in.....	113	24
Prisoners from other counties.....	662	166
COMPTROLLER—		
Books of account, what to contain.....	148	31
Bond required.....	33	13
Claims against city or school district audit of.....	154	32
Clerk hire allowance.....	561	143
Contracts, shall not countersign until money is provided.....	519	140
Custodian of surety bonds, deeds, etc.....	205	47
Deeds and leases to be signed by.....	688	172
Examine books of board of control.....	671	169
Ex-officio comptroller of police board.....	351	90
Election of.....	5	9
Examine securities held by treasurer.....	190	43
Forms of accounts, reports, etc., of departments.....	146	31
Judgment sales in error, duties relating to.....	279	69
Monthly report to secretary school board.....	484	122
Report, annual, to conference committee.....	164	34
Salary of.....	560	143
Sinking fund committee, member of.....	182	42
Statements of city depositories, shall publish.....	204	47
Statements, daily, to treasurer.....	156	33
Treasurer's receipts and payments, to check daily.....	158	33
Warrants for special assessments, delivery to treasurer.....	263	65
Water board, comptroller of.....	419	105
Workhouse board, accounts, etc., kept by.....	660	166
CONDEMNATION OF LANDS other than for park purposes. (See Assessments and Local Improvements.)		
Appeals to district court.....	250	61
Affect only property of appellant.....	262	65
Assessment of damages and benefits.....	241	59
Benefits, how assessed.....	248	60
Buildings on lands condemned.....	246	60
Confirmation of assessment, notice, hearings.....	249	61
Covenants, etc., touching lands condemned.....	254	63
Damages, payment of.....	251	62
Deeds to lands condemned.....	251	62
Easements for sewers, roadways, car tracks.....	223	82
Extensions of waterworks (See Water Department).		
General powers of city.....	234	56
New assessments.....	249	61
Following appeals sustained.....	262	65
Notice of assessments and hearings.....	242	59
Objections to assessments.....	249	61
Park and parkway lands (See Parks and Parkways).		
Plats of condemned lands to be filed.....	305	77
Possession of lands by city.....	252	62
Water powers on lands condemned.....	251	62
CONFERENCE COMMITTEE—		
Annual report of comptroller to.....	164	34
Disqualification of members.....	224	53
Expenditures, duties relating to.....	225	53
Meetings, when held.....	208	48
Members of and duties.....	207	48
Report on estimated expenditures.....	165	31
Action on by council.....	166	35



	Section.	Page.
CONFERENCE COMMITTEE—Cont.		
Reports to, required monthly.....	210	48
Additional information may be required.....	222	52
Assembly, president of.....	211	48
Board of control, chairman of.....	220	52
Board of public works, president of.....	217	50
Commissioner of public works.....	216	50
Comptroller .....	219	51
Fire board, president of.....	214	49
Park board, president of.....	212	49
Police board, president of.....	218	51
School board, president of.....	215	49
Treasurer .....	221	52
Water board, president of.....	213	49
Secretary of, city clerk to act.....	27	12
CONTAGIOUS DISEASES, reports on, to health commissioner..	462	115
CONTINGENT FUND—		
Common council.....	P. 22	167
Police department, authorized.....	366	93
CORONER TO REPORT INQUESTS to health commissioner..	461	115
CONSTABLES, election of.....	8	10
Powers and duties.....	590	152
Sixth ward constables, election, term.....	593	153
State laws to apply.....	598	154
CONTRACTS—		
Assignment of city contracts prohibited.....	558	142
Award for local improvements.....	256	63
Award to lowest responsible bidder.....	315	80
Bond or certified check accompanying bid.....	559	142
City officials must not participate in.....	39	14
Comptroller custodian of.....	205	47
Comptroller not to countersign contracts until money is provided .....	549	140
Contracts exceeding \$200, how awarded.....	547	140
Contracts of \$200 or less.....	548	140
Council cannot compromise.....	142	30
Delay in local improvement contracts.....	299	74
Emergency contracts.....	548	140
Neglect to complete sidewalk contracts.....	313	78
Paving repairs may be provided for.....	316	80
Payments on.....	316	80
Re-letting of local improvement contracts.....	292	73
Sidewalks, annual contracts for.....	311	77
Street sprinkling may be by contract.....	340	85
Unforeseen obstacles affecting local improvements.....	294	73
CONTRACTORS—		
Action against city or contractor.....	554	141
Actions on bond, time limitation.....	556	142
Additional bond may be required.....	555	142
Bond required.....	551	141
Estimates on contracts, rule concerning.....	557	142
Liable for personal or property damages.....	550	140
Parties in interest defined.....	554	141
Sureties on bond, relating to.....	552	141
Surety company bond sufficient.....	553	141

## CORPORATION ATTORNEY—

Clerk hire allowance.....	561	143
Duties of.....	29	12
Election, term, assistants.....	28	12
Health department, officer of.....	128	109
Salary of, and assistants.....	560	143
Special counsel, how employed.....	29	12

## COURT HOUSE AND CITY HALL—

Annual fund for.....	P. 10	167	37
Commission to have charge of building.....		693	173
Compensation of commissioners, term of office.....		693	173

DAMAGE CLAIMS—Notice to be given city.....	690	173
--	-----	-----

DEAD BODIES—Interment and removal of.....	493	115
---	-----	-----

DEEDS AND LEASES—Authorized by council.....	688	172
---	-----	-----

DEEDS—Comptroller custodian of.....	205	47
-------------------------------------	-----	----

DEEDS OF RECORD must have treasurer's certificate that special assessments are paid.....	300	75
--	-----	----

DISTILLERIES—Location of by council.....	80	20
--	----	----

DIVERSION OF MONEYS prohibited.....	161	34
-------------------------------------	-----	----

DOGS—Enforcement of laws concerning.....	361	92
Powers of council concerning.....	93	21

ECONOMY IMPOSED IN CITY AFFAIRS.....	168	38
--------------------------------------	-----	----

ELECTIONS, CITY—When held.....	4	9
--------------------------------	---	---

Districts, council to fix.....	12	10
--------------------------------	----	----

General laws to apply.....	13	10
----------------------------	----	----

Municipal judges, election, term.....	7	9
---------------------------------------	---	---

Notice by city clerk.....	14	10
---------------------------	----	----

Officers, how elected.....	8	10
----------------------------	---	----

Officers to be elected.....	5	9
-----------------------------	---	---

Official year.....	6	9
--------------------	---	---

Returns, how canvassed.....	13	10
-----------------------------	----	----

Special elections, how ordered.....	14	10
-------------------------------------	----	----

Terms of city officials.....	6	9
------------------------------	---	---

Tie-vote, how decided.....	15	10
----------------------------	----	----

Vacancies, how filled.....	17	11
----------------------------	----	----

ELECTRICAL INSPECTOR—Who shall act.....	387	97
---	-----	----

EMINENT DOMAIN—Council and board public works may exercise .....	123	27
--	-----	----

ERRORS OR OMISSIONS in proceedings affecting local improvements and assessments.....	281	70
--	-----	----

EVIDENCE—Record in city offices received as such in court.....	691	173
--	-----	-----

## EXCAVATIONS IN STREETS—

Bond for license.....	345	88
-----------------------	-----	----

License for.....	344	88
------------------	-----	----

Regulations concerning.....	346	88
-----------------------------	-----	----

Restoration of surface, relating to.....	348	89
--	-----	----

Revocation or denial of licenses.....	347	89
---------------------------------------	-----	----

Rules and regulations concerning.....	344	88
---------------------------------------	-----	----

FEES, COSTS, ETC., city to receive.....	564	144
---	-----	-----

Monthly reports on.....	566	144
-------------------------	-----	-----

Record book, officials to keep.....	565	144
-------------------------------------	-----	-----

Turned in to treasurer daily.....	460	34
-----------------------------------	-----	----

	Section.	Page.
FISCAL YEAR in all departments.....	147	31
FIRE DEPARTMENT—		
Additional companies, how organized.....	388	98
Annual fund.....P. 4	167	35
Board of fire commissioners.....	383	96
Officers of board.....	386	97
Powers and duties.....	385	96
Publication of proceedings.....	392	98
Reports to council.....	390	98
Secretary may be elected.....	386	97
Care of property and repairs.....	391	98
Chief engineer, salary and assistants.....	560	143
Expenditures, council to approve, when.....	385	96
Electrical inspector and assistant.....	387	97
Fire alarm telegraph,		
Superintendent, appointment.....	387	97
Salary of.....	560	143
Fire limits, council to fix.....	104	23
Fire limits, wooden buildings not to be rebuilt, when.....	104	23
Firemen, appointment and removal.....	388	98
Additional firemen, how authorized.....	388	98
Injured firemen, pay of.....	394	99
Pay, how fixed.....	389	98
Fire warden, chief engineer to act.....	387	97
Officers of department.....	387	97
Suspension by chief engineer.....	393	98
FRANCHISES IN STREETS, how granted.....	124	28
Additional conditions may be imposed.....	138	30
Company holding must file reports.....	129	28
Council may forfeit.....	134	29
Council may regulate.....	125	28
Exclusive franchises prohibited.....	127	28
Extensions and modifications of.....	131	29
Forfeiture for non-use or abandonment.....	139	30
Forfeiture of, when.....	129	28
Gross earnings tax, holder to pay.....	130	29
Ordinance granting to lay over.....	128	28
Perpetual franchises prohibited.....	126	28
Prior franchises, when subject to charter.....	132	29
GARBAGE—		
Annual fund for.....P. 23	167	38
Commissioner of health to collect and remove.....	167	35
Council may equip and maintain municipal plant.....	109	24
GRADING OF STREETS, petition necessary.....	238	57
GROSS EARNINGS TAX—Payable by holders of franchises.....	130	29
HEALTH DEPARTMENT—		
Annual fund for.....P. 23	167	38
Commissioner of health, appointment, etc.....	429	109
Annual reports required.....	467	116
Assistants and inspectors.....	430	109
Assistant and inspectors, appointment and salary....P. 23	167	38
Bond required.....	33	13
Extraordinary powers.....	438	110
General powers and duties.....	432	109
Houses, power concerning.....	140	111
Inspections of city, required monthly.....	451	113
Nuisances, abatement of.....	433	110
Premises, etc., may be ordered cleaned.....	457	114

# INDEX.

197

Section. Page.

## HEALTH DEPARTMENT--Cont.

### Commissioner of Health--Cont.

Removal of subordinates.....	431	109
Salary of.....	560	143
Sewerage or drainage, defective, reports on.....	322	81
Vaccination, may enforce.....	439	111
Vital statistics, duties concerning.....	453	113
Garbage collection, etc.....	P. 23	167
Infectious and pestilential diseases.....	435	110
Organization .....	128	109
Penalty for violation of health regulations.....	155	111
Police shall execute orders of commissioner.....	372	94
Police shall report violations of rules.....	372	94
Quarantine sites, how established and regulated....	411	P. 101
Quarantine stations and hospitals, how secured.....	152	113
Vaccination certificates to school children.....	454	113
Vaccination, free when.....	454	113

HOSPITALS and grounds.....	100	23
----------------------------	-----	----

INTEREST, annual fund for.....	P. 1	167
--------------------------------	------	-----

INTOXICATING LIQUORS cannot be sold, where.....	107	24
---	-----	----

INSURANCE POLICIES--Comptroller custodian of.....	205	47
---	-----	----

JUDGMENTS affecting special assessments.....	287	71
--	-----	----

JUDGMENTS--Annual fund for.....	P. 17	167
---------------------------------	-------	-----

JUNK SHOPS, regulate and license of.....	411	24
--	-----	----

## JUSTICES OF THE PEACE--

Appeals from to municipal court.....	597	154
Criminal jurisdiction, relating to.....	589	152
Election of.....	5	9
Election, term, jurisdiction.....	589	152
Fees of.....	589	152
Peace officers.....	376	95
Qualifications of.....	10	10
Sixth, Tenth, Eleventh wards, election of.....	8	10
Sixth ward, court established.....	594	152
Sixth ward justice qualifications.....	594	152
State laws to apply.....	598	154
Tenth and Eleventh ward justice, qualifications.....	594	153
Vacancies, council to fill.....	596	153

LEVEE--Council may lease in Sixth ward.....	145	30
---	-----	----

LICENSE INSPECTOR--Appointment and duties.....	361	92
--	-----	----

LIGHTING--Fund for.....	P. 6	167
-------------------------	------	-----

LIQUORS--Council not to grant license in certain districts.....	107	24
---	-----	----

## LOCAL IMPROVEMENTS. (See Assessment\$.)

Assessment districts, how determined.....	240	58
Applications for, to common council.....	238	57
Assessment, improvements not subject to.....	236	57
Improvements, subject to.....	235	56
Award of contracts.....	315	80
Board of public works to investigate.....	238	57
Bond of certified check to accompany bid.....	314	79
Condemnation of real estate.....	244	59
Contracts, award, assessment of cost.....	256	63
Contracts may be re let, when.....	292	73
Delay by contractors.....	299	74
Forms of orders for.....	301	75

	Section.	Page.
LOCAL IMPROVEMENTS--Cont.		
General powers of city.....	234	56
Hearings on and notice.....	239	58
Improper construction, remedy for.....	316	80
Improvements not assessable.....	310	77
Ordered by council by 2/3 vote.....	238	57
Paving repairs may be provided for.....	316	80
Proposals for improvements, how made.....	314	79
Record of proceedings, certified copies.....	255	63
Repairs not exceeding \$200.....	256	63
Scaled bids required.....	314	79
Sewers, how built.....	318	81
Sidewalks, annual contracts for.....	311	77
Street grades, how altered.....	225	82
Street grading and sidewalks, petitions necessary.....	238	57
Unforeseen obstacles.....	294	73
MARKET MASTER--Council to appoint.....	96	22
Salary of.....	560	143
MAYOR--		
Acting mayor, who, when.....	44	16
Actions against city, service on.....	687	172
Board of equalization, member of.....	578	147
Bonds in appeal cases, executed by.....	684	172
Chairman of conference committee.....	207	48
City hall and court house committee, member of.....	693	173
Committee on bank deposits, member of.....	200	46
Deeds and leases by city, to be signed by.....	688	172
Duties of.....	20	11
Election of.....	5	9
Examine securities held by treasurer.....	190	43
New school buildings, duties concerning.....	475	119
Officers appointed by.....		
Board of public works, members of.....	227	54
Commissioner of health.....	429	109
Commissioner of public works.....	230	55
Fire board, members of.....	383	96
Inspector of school buildings.....	477	120
Park board, members of.....	500	127
Park policeman.....	534	136
Police board, members of.....	350	90
Policemen for municipal court.....	645	162
School inspectors.....	471	117
Water board, members of.....	395	99
Workhouse directors.....	656	165
Ordinance authorizing bonds or certificates not valid unless approved within ten days.....	46	16
Ordinances and resolutions must be approved by.....	46	16
Ordinances and resolutions not approved, operative when.....	46	16
Salary of.....	560	143
Secretary, salary of.....	560	143
Sinking fund committee, member of.....	182	42
Special council meetings, power to call.....	43	16
Veto, power of.....	46	16
MISCELLANEOUS RECEIPTS, how apportioned.....	169	39
MONEYS, CITY AND SCHOOL, control of and payment from..	151	32
MUNICIPAL COURT--		
Actions, how commenced and conducted.....	618	158
Annual fund for..... P. 19	167	35

# INDEX

205

SECTION 1

## MUNICIPAL COURT—Cont.

Appeals from justice courts to.....	626	158
Appeals to Supreme Court.....	641	163
Attachments, replevins and garnishments.....	621	158
Bailiffs, approved by judges and appointed by mayor.....	645	162
Clerk, appointment, etc.....	608	156
Appoint deputy.....	609	156
Bond required.....	33	13
Certify cases to district court.....	620	160
Deputy to act as bailiff.....	647	163
Deputy, salary of.....	650	163
Deputy, may be removed.....	609	156
Duties of.....	610	156
Fees collected as costs.....	637	161
Jurors, clerk to draw.....	639	161
Make term calendar.....	617	158
Record books, etc., to furnish.....	611	157
Report and deliver fines and fees.....	610	156
Salary of.....	650	163
Change of venue.....	599	154
City attorney to prosecute criminal cases not indictable.....	612	157
City not liable for board of jail prisoners, when.....	686	172
Civil cases in separate room.....	616	158
Civil process, sheriff to serve.....	643	162
Costs.....	634	161
Counter claims in excess of jurisdiction.....	620	158
Criminal process, police to serve.....	644	162
Criminal proceedings, how conducted.....	633	160
County attorney to prosecute indictable offenses.....	612	157
Depositions.....	622	159
Execution, stay of.....	624	159
Execution, stay of in criminal cases.....	652	164
Fees, police officers to receive none.....	616	163
Judges, two provided.....	602	155
Election and term.....	7	9
May act separately or jointly.....	651	164
Powers of.....	605	155
Qualifications of.....	604	155
Report daily to treasurer.....	610	156
Salary of.....	560	143
Select jurors.....	639	161
Senior judge.....	607	156
Senior judge, chief magistrate.....	605	155
Term.....	603	155
Judgments, confession of.....	625	159
Jurisdiction, civil.....	599	154
Criminal.....	599	154
Limit of jurisdiction.....	600	155
Limited to Ramsey county.....	599	154
Same as justices of peace.....	599	154
Jurors, fees of.....	640	162
Jury, method of drawing.....	639	161
Jury trials.....	638	161
Justice courts not affected.....	648	163
Pleadings, time to serve.....	619	158
Prisoners awaiting trial.....	683	172
May commit to workhouse.....	683	172
Powers of court.....	601	155
Process.....	631	160
Stenographer, appointed by judges.....	613	157

	Section.	Page.
MUNICIPAL COURT—Cont.		
Stenographer—Cont.		
Fees of.....	615	158
Oath of office, duties.....	614	157
Term at pleasure of judges.....	614	157
Salary of.....	560	143
Second trials, when, how.....	627	159
Sessions, criminal branch daily.....	605	155
State laws applicable.....	653	164
Summons and subpoenas, service.....	632	160
Taxation of costs.....	636	161
Terms of court, civil branch.....	616	158
Tenders.....	623	159
Transcripts, liens.....	642	162
NEGLECT BY OFFICERS in assessment proceedings.....	283	70
NUISANCES, abatement of.....	433	110
Common nuisances defined.....	115	25
OATHS OF OFFICE to be filed with comptroller.....	32	13
OFFICIAL BONDS REQUIRED.....	33	13
Approval of and when filed.....	34	14
Surety bond required; exceptions.....	35	14
OFFICES—Council cannot create new or salaried one.....	140	30
OFFICIAL NEWSPAPER, how selected (Amendment page 15)...	30	13
Ordinances, resolutions and orders must be published in.....	47	17
OFFICIAL PUBLICATION—		
Council committee to establish rules for.....	47	17
Publication of official notices specified.....	689	173
Proof of.....	31	13
OFFICIAL YEAR.....	6	9
ORDERS ON TREASURY, requirements concerning.....	152	32
ORDINANCES—		
Approved by mayor.....	46	16
Majority vote in each body to pass.....	45	16
May be vetoed by mayor.....	46	16
May originate in either body.....	45	16
Not approved, operative when.....	46	16
Passed over veto, how.....	46	16
Publication of required.....	47	17
Style of.....	45	16
PARKS AND PARKWAYS—		
Annual fund for.....P. 21	167	38
Board of park commissioners.....	499	127
Annual report.....	502	127
Appointment, qualifications, vacancies.....	500	127
Contract power of board.....	503	128
Contracts, no interest in.....	505	128
Donations may be accepted.....	508	128
General powers of board.....	507	128
Non-attendance at meetings.....	506	128
Officers and employees.....	501	127
Police, jurisdiction over.....	357	91
Secretary, city clerk ex-officio.....	502	127
Vote on acquiring lands.....	504	128
Condemnation of lands.....	510	128
Abandonment of proceedings.....	527	135

## PARKS AND PARKWAYS—Cont.

## Condemnation of lands—Cont.

Appeals from assessment of damages.....	529	122
Appeals from re-assessments.....	524	121
Assessment of damages and benefits.....	512	120
Assessment moneys cannot be diverted.....	529	135
Benefits, how assessed.....	518	131
Board may contract for lands.....	511	129
Buildings on land condemned.....	516	130
Confirmation of assesment.....	519	131
Damages, award and interest.....	515	130
Evidence as to damages and benefits.....	514	130
Interest on damages ceases, when.....	525	134
Judgment and redemption.....	523	134
Measure of damages.....	511	129
Notice of assessment, hearings.....	513	130
Objections to assessment, when filed.....	519	131
Occupation of condemned property, when.....	525	134
Payment of damages, doubtful claimants.....	522	133
Payments from park fund.....	512	129
Reassessments, when and how made.....	521	133
Record of condemnation proceedings.....	526	134
Title to condemned lands.....	512	129
Treasurer to collect assessment of benefits.....	523	134
Expenditures to be edited by park board.....	530	135
Lands, how acquired.....	508	128
Park lands cannot be diverted to other uses.....	532	136
Park policemen, mayor to appoint.....	534	136
Parkways, council may designate.....	509	128
Rules and ordinances affecting.....	533	136
Shade trees, planting of.....	541	138
Streams, lakes and ponds, control of.....	531	136
Street lawns, care of.....	537	137
Watermains and sewers in parkways.....	535	136

PATENT PAVEMENTS, provision concerning..... 315 80

PEACE OFFICERS, who are..... 376 95

PERSONAL PROPERTY, city may acquire and hold..... 105 23

## PLAT COMMISSION—

Duties of members.....	584	149
How constituted, compensation.....	583	149
Plats filed with commission.....	586	150
Copies to be filed.....	588	151
Council to accept plats.....	585	150
Duplicates filed, when.....	586	150
Fees paid by owners.....	583	149
Streets and alleys free from liens.....	587	151

PLUMBERS' LICENSES and regulations..... 694 174

    Licenses may be suspended..... 695 174

## POLICE DEPARTMENT—

Annual fund for.....	P. 5	167	36
Board of police, appointment, etc.....	350	90	
Comptroller, duties of.....	355	91	
Contracts exceeding \$200, in duplicate.....	355	91	
Dogs, shall enforce laws relating to.....	361	92	
Impounding animals, laws relating to.....	361	92	
License inspector, shall detail.....	361	92	
Oath.....	353	90	



	Section.	Page.
POLICE DEPARTMENT—Cont.		
Board of police—Cont.		
Officers .....	354	90
Park police, no jurisdiction over.....	357	91
Powers and duties.....	358	91
Proceedings, rules, etc., certified copies.....	360	92
Quorum .....	356	91
Reports to council.....	362	92
Secretary, may receive compensation.....	351	90
Secretary to keep detailed accounts.....	355	91
Term .....	351	90
Treasurer and comptroller of.....	354	90
Treasurer, duties of.....	355	91
Vacancies .....	352	90
Weights and measures, inspector of.....	361	92
Chief of police, appointment, etc.....	363	93
Assistant and clerk.....	363	93
Contingent fund for.....	366	93
County attorney, to provide detectives for.....	379	95
Health department, officer of.....	428	109
Orders of health commissioner, to execute.....	469	116
Police force, may suspend members of.....	365	93
Powers and duties.....	364	93
Salary of.....	560	143
Organization and tenure.....	349	90
Peace officers, general powers.....	376	95
Police force, how constituted.....	367	93
Accidents, reports on.....	373	94
Detective force, control of.....	369	94
Eligibility to.....	368	93
Examination of policemen.....	380	95
Fees, when entitled to.....	370	94
Health department rules, reports on violations.....	372	94
Misconduct, punishment for.....	374	94
Powers of police officers.....	370	94
Public hearing shall precede dismissal.....	375	94
Reports on public fights, sidewalks, etc.....	371	94
Powers and duties relating to municipal court.....	359	92
Rewards, etc., prohibited.....	377	95
Stolen or lost property, disposal of.....	378	95
POUNDMASTER, appointment and duties.....	361	92
PRINTING AND STATIONERY, fund for.....P. 18	167	37
PROHIBITED DISTRICTS, council may establish.....	107	24
PUBLIC BATHS, powers of council.....	88	21
PUBLIC BUILDINGS, powers of council.....	110	24
PUBLIC IMPROVEMENTS upon private property.....	293	73
PUBLIC LIBRARY—		
Annual fund for.....P. 20	167	37
Board of directors, appointment, etc.....	491	125
Annual report.....	497	126
Organization, secretary.....	494	125
Branch libraries may be established.....	494	125
Control of library fund and property.....	494	125
Donations may be accepted.....	498	126
Libraries, etc., free to residents.....	496	126
Property cannot be diverted.....	495	126
Site and building may be provided.....	495	126

# INDEX

	S	P
PUBLIC FUNDED DEBT.....	178	1
PUBLIC MONEYS AND SECURITIES, custody of.....	139	1
PUBLIC PLAYGROUNDS, powers of council.....	112	4
PUBLIC PROPERTY, etc., delivery to successors in office; penalty.....	36	1
PUBLIC REVENUES.....	169	39
PUBLIC SCHOOLS (See Schools.)		
QUARRIES, council may establish.....	108	24
RAILWAY PROPERTY, assessments against.....	257	64
RAILWAYS, steam or elevated, petition of property owners necessary.....	136	29
RAILWAYS, street, to clean, repair and sprinkle streets.....	137	30
REAL ESTATE, council may acquire and hold for public purposes.....	105	23
REDEMPTION FUND.....P. 3	167	35
REMOVAL OF OFFICERS BY COUNCIL.....	18	11
RESOLUTIONS IN COUNCIL.....	45	16
RUBBISH, etc., removal by owner.....	90	21
SALARIES OF CITY OFFICIALS.....	560	143
Annual fund for.....P. 14	167	37
Extra compensation not allowed—exceptions.....	563	144
SCHOOLS—		
Board of school inspectors.....	471	117
Annual report to mayor.....	473	118
Appointment of teachers.....	473	118
Board not a corporation.....	472	117
Contract and debt creating powers limited.....	483	122
Contracts, regulation concerning.....	485	122
Habitual truants.....	489	123
Monthly report to mayor and council.....	480	121
Officers of board.....	472	117
Willful intent presumed for wrongful acts.....	488	123
Building inspector for new schools.....	477	120
Buildings must be authorized by council.....	167	35
City an independent school district.....	472	117
City treasurer to receive school moneys.....	487	123
Contracts for sites and buildings, how executed.....	476	119
Fund for, maximum limit.....P. 9	167	36
New schools—Purchase of sites and erection of new buildings, who to act.....	475	119
Property vested in city for school purposes.....	181	121
Revenue from public schools.....	177	41
School property, custody of and title to.....	178	120
School tax levy.....	179	120
Id. ....	190	123
Supplies, how purchased.....	181	121
Teachers, appointment of.....	173	118
Compensation of.....	174	118
Term of service.....	174	118
Vaccination certificates may be required.....	454	113
SEALER OF WEIGHTS AND MEASURES.....	81	21
SECOND HAND STORES.....	111	24
SEWER, WATER AND GAS, connections in streets to be paved.....	320	81

	Section.	Page.
SEWERAGE—		
Appropriations by council authorized.....	319	81
Connecting sewers, how built.....	318	81
Council may establish or alter general system.....	317	81
Easements for sewers, how secured.....	323	82
Health officer to report on to council.....	322	81
Lateral connections.....	320	81
SHADE TREES, planting of by park board.....	541	138
SIDEWALKS—		
Annual contracts for.....	311	77
Assessment for.....	312	78
Contractor's neglect to complete contract.....	313	78
Permits to property owners to build.....	313	28
Petition necessary for.....	238	57
Police shall report on.....	371	94
SINKING FUND.....P. 2	167	35
Committee to manage.....	182	42
Income from, how applied.....	185	42
Investments from, how made.....	183	42
Moneys applicable to.....	181	42
SLAUGHTER HOUSES, location of.....	80	20
SMOKE, abatement of.....	95	22
SPRINKLING OF STREETS—		
Annual fund for.....P. 21	167	38
Contracts for sprinkling authorized.....	340	85
Council may order by 3-4 vote.....	342	86
Council shall provide fund for (Amendment Page 87).....	338	85
Districts, division of city into.....	339	85
Municipal sprinkling plant authorized.....	343	86
Neglect or failure of contractor.....	341	86
Temporary provisions.....330 P. 83	337	85
STAGNANT PONDS, how abated.....	308	77
STREET GRADES—		
Alteration of established grade.....	325	82
Changes of grade, reports to water board.....	422	106
Council shall establish.....	324	82
Easements for roadways or car tracks.....	323	82
Profiles, where filed.....	324	82
Water pipes damaged by change of grade.....	414	104
STREET LAWNS, cars of by park board.....	537-540	137
STREET LIGHTING—		
Board of public works has jurisdiction.....	99	22
New lamps, how ordered.....	303	76
Police shall report on.....	371	94
Semi-annual inspection of street lamps.....	303	76
STREETS AND SEWERS, fund for.....P. 15	167	37
STREETS, council to control rights in.....	135	29
SUITS AGAINST CITY, process.....	687	172
TAXES, abatement of.....	582	148
Council cannot relieve.....	141	30
Council to levy annually.....	102	23

# INDEX

393

SECTION 192

## TAX LEVY—

County auditor, duties of.....	172	30
Estimate in conference committee's report.....	165	6
Public school fund.....	479	6
When and how made.....	171	6

## TAX LEVY CERTIFICATES (See Certificates of Indebtedness.)

TAXATION, property subject to.....	170	39
Exemptions of certain districts.....	171	40

TERM of elective officials.....	6	9
---------------------------------	---	---

## TREASURER—

Bond required.....	33	13
Certificates as to paid-up special assessments.....	300	75
Certificates of judgment sales.....	274	68
Clerk hire allowance.....	561	143
Custodian of money, notes, etc.....	199	46
Deposits, daily in authorized banks.....	200	46
Liability of treasurer.....	202	47
Duties of.....	21	11
Election of.....	5	9
Ex-officio treasurer of police board.....	354	90
Judgment, application for on unpaid assessments.....	267	66
Loans prohibited except as bank deposits.....	199	46
Moneys, shall receive and pay.....	149	31
Monthly report to secretary of school board.....	484	122
Neglect in assessment matters.....	283	70
Payments by treasurer, how made.....	155	32
Evidences of payments required.....	157	33
Public funds not to be loaned.....	22	11
Receipts, treasurer shall issue.....	150	31
Record of judgment sales for unpaid assessments.....	276	68
Salary of.....	560	143
Sale of lands for unpaid assessments.....	272	67
Sinking fund committee, member of.....	182	42
Special assessments, notice of collection.....	264	65
Successor to act in assessment matters.....	281	70
Unredeemed lands, advertisement of.....	277	69
Water board, treasurer of.....	419	105
Workhouse board treasurer of.....	660	166

TUNNELS, relating to.....	26	27
---------------------------	----	----

UNEXPENDED BALANCE, term defined.....	175	41
---------------------------------------	-----	----

## VACATIONS OF STREETS, ETC.—

Hearing, advertisement of.....	117	25
Petition for.....	117	25
Provisions relating to.....	117	26
Three-fourths vote in council.....	117	25

VACANCIES IN OFFICE.....	17	11
How filled.....	19	11

VACCINATIONS, may be enforced.....	139	111
School children, rule affecting.....	151	113

VAGRANCY, imprisonment for limited.....	113	21
---	-----	----

VETO OF MAYOR, how set aside.....	16	16
-----------------------------------	----	----

VIADUCTS, relating to.....	118 P. 26	121
----------------------------	-----------	-----

VOTE, in council requisite on certain measures.....		4
---	--	---

WARD BOUNDARIES, council cannot change (Amendment page 7).....	3	6
--	---	---

	Section.	Page.
WATER DEPARTMENT—		
Advance payments for water.....	415	105
Board of water commissioners, appointment, etc.....	395	99
Actions and judgment against.....	424	107
Id., notice, filing and contracts.....	425	107
Corporate powers of board.....	396	100
General powers.....	418	105
Reports, yearly, to council.....	419	105
Secretary, election, duties, assistant.....	419	105
Treasurer and comptroller.....	419	105
Bonds validated (Amendment Page 108).....	412	104
Contracts, provision relating to.....	420	106
Extensions and new sources of supply.....	397	100
Appeals from report of commissioners.....	399	100
Clerk of Court duties of.....	400	101
Commissioners to assess damages, meetings, report.....	399	100
Infant heirs of wards, lands belonging to.....	406	102
Injunctions prohibited.....	401	101
Preliminary procedure by board.....	398	100
Rights of city as to lands taken.....	398	100
Possession of and right of way to lands.....	401	101
Suits for recovery of lands.....	402	102
Suits for recovery, answer to.....	403	102
Suits for recovery, judgment for damages.....	405	102
Suits for recovery, verdict for damages.....	404	102
Frontage tax authorized.....	416	105
Assessment of frontage tax.....	417	105
Hydrants, council may direct location of.....	413	104
Petitions for new mains exceptions.....	427	107
Rates must be adequate—neglect to collect.....	421	106
Real estate, term defined.....	426	107
Receipts kept separate.....	173	40
Resurvey and relocations.....	407	103
Rights of way and easements, paramount.....	423	107
Street grades, change of, damages for.....	414	104
Streets, roads, etc., board may use.....	411	104
Unauthorized use of water.....	409	103
Water for city, shall be paid for.....	413	104
Water for street sprinkling and cleaning.....	413	104
Water rates a continuing lien.....	413	104
Water regulations and rates.....	413	104
Willful damage to works, penalty.....	408	103
Willful acts to divert or corrupt water, etc.....	410	104
WEIGHTS AND MEASURES, inspector of.....	361	92
WORKHOUSE, annual fund for.....P. 11	167	37
Board of directors to control.....	655	165
Appointments, terms, vacancies.....	656	165
Officers of board.....	660	166
Powers of board.....	657	165
Secretary election and duties.....	660	166
Statement to council, semi-annually.....	660	166
Commitments and discharges, report of.....	668	167
Escape from, how punished.....	659	166
Establishment of.....	654	165
Prisoners, to be sentenced to.....	658	165
Compensation for care of.....	665	167
Record to be kept.....	668	167
Prisoners from other counties.....	662	166
Prisoners from other states.....	666	167
Sheriff and constable fees.....	664	167
Superintendent, duties of.....	661	166









